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Analysis of
WORKERS' COMPENSATION LAWS

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From a declaration of principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations.

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FOREWORD

The 1992 edition of *Analysis of Workers' Compensation Laws* offers an overview of the important provisions of workers' compensation statutes and is intended to provide both a comparison and an improved understanding of the various laws. Sixteen detailed charts are presented to aid employers, employees, insurance firms, agents, brokers, attorneys, physicians, and others in locating specific provisions of workers' compensation laws.

The *Analysis* tracks the laws of the 50 states, the District of Columbia, Guam, and Puerto Rico, as well as the statutory provisions of American Samoa and the U.S. Virgin Islands. Full treatment is also provided for the federal, provincial, and territorial laws of Canada.

Although the *Analysis* provides essential information needed daily in many business offices, it should not be considered as supplanting exact provisions to be found in statutory texts.

The underlying data required to bring together this publication were supplied by legislative reporting services, insurance companies, and government officials in the states and jurisdictions. Additional assistance came from the Social Security Administration, U.S. Department of Health and Human Services.

The research, analysis, and editing of the charts and text was furnished by Eric Reese Gamble, Research Analyst, Resources Policy of the U.S. Chamber of Commerce. For further information, you can write to him at 1615 H Street, N.W., Washington, D.C. 20062 or phone (202) 463-5533.

All contributions to this publication are gratefully acknowledged.

Richard L. Lesher
President
U.S. Chamber of Commerce

INTRODUCTION

HISTORY OF WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY

Workers' compensation laws are designed to provide satisfactory means of handling occupational disabilities. A 20th century development in North America, the laws have evolved as the economy became more industrial and less agricultural.

Before these laws were enacted, a well-established common-law principle held that a master or employer was responsible for injury or death of employees *resulting from a negligent act by him.* Thus, disabled workers who sued employers for damages had to prove their injuries were due to employer negligence—a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th century it was apparent that the accepted common-law defenses—contributory negligence, assumption of risk, negligent acts of fellow servants—operated too harshly on claims of disabled workers. The situation led to demands for new legal provisions.

As a result, between 1900 and 1910 so-called employer's liability laws were adopted by many states. Although they tended to modify common-law defenses, they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

A new answer was forthcoming: In 1911 the first workers' compensation laws were enacted in the United States on an enduring basis. The first comprehensive Canadian laws were enacted in 1915.

Today, each of the 50 states has a workers' compensation law. The compensation laws of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands are also outlined in this *Analysis.* Federal workers' compensation laws have been enacted; for example, the District of Columbia Workmen's Compensation Act, the Federal Employees' Compensation Act, and the Longshoremen's and Harbor Workers' Compensation Act—the latter providing for private or public employees in nationwide maritime work. Each of the Canadian provinces and territories has a compensation act or ordinance.

In essence, workers' compensation laws hold that industrial employers should assume costs of occupational disabilities without regard to any fault involved. Resulting economic losses are considered costs of production—chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

Six basic objectives underlie workers' compensation laws:

1—Provide sure, prompt, and reasonable income and medical benefits to work-accident victims, or income benefits to their dependents, regardless of fault;

2—Provide a single remedy and reduce court delays, costs, and workloads arising out of personal-injury litigation;

3—Relieve public and private charities of financial drains—incident to uncompensated industrial accidents;

4—Eliminate payment of fees to lawyers and witnesses as well as time-consuming trials and appeals;

5—Encourage maximum employer interest in safety and rehabilitation through an appropriate experience-rating mechanism; and

6—Promote frank study of causes of accidents (rather than concealment of fault)—reducing preventable accidents and human suffering.

To what extent have the laws achieved desired objectives? Answers to this vary from state to state and depend on many factors including the viewpoint of the appraiser.

However, a 1972 evaluation by the National Commission on State Workmen's Compensation Laws concluded that state laws were not living up to their potential, and the Commission made 84 recommendations for the improvement of the system. Nineteen of these were labeled "essential." Despite this negative assessment, the Commission was convinced that workers' compensation is a fundamentally sound system and a valued institution in our industrial economy.

In January 1976, the policy group of the Inter-Agency Workers' Compensation Task Force, with members from several U.S. government departments and agencies, reported its findings on the need for reform of state workers' compensation programs. Essentially, the Task Force found that existing programs must be reformed to bring about more effective management at the state level, with the federal government monitoring progress and providing technical assistance. The group felt that, without a reordering of priorities and a new mode of operation, workers' compensation would become more expensive, less equitable, and less effective. After completing its mission, the Task Force was merged with the Division of State Workers' Compensation Standards in the Office of Workers' Compensation Programs, Department of Labor.

The constructive criticism rendered by the Commission and the Task Force gave new impetus to the development and growth of workers' compensation laws, and these laws now enjoy a more prominent role within the social insurance system of the United States.

The National Commission and the Task Force both rejected proposals to replace the various state programs with one federal program. Nevertheless, legislation has been introduced in the U.S. Congress for the past several years to give the federal government a direct role in the state systems by setting federally mandated "minimum standards." There has never been sufficient support for these bills to move them beyond the committee level, however.

INTRODUCTION
GENERAL INFORMATION

This analysis of workers' compensation laws attempts to provide a ready reference to the statutory provisions found in the federal, state, and territorial laws of the United States and the federal, provincial, and territorial laws of Canada. American Samoa, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands are included.

In the following pages, 16 charts will be found grouped under three categories:

- *Coverage of Laws*, listing the various requirements pertaining to employments, injuries, and diseases (Part I);
- *Benefits Provided*, detailing the required income replacement benefits and medical benefits (Part II);
- *Administration of Laws*, grouping the many administrative requirements and safeguards (Part III).

COMMENTS ON CHARTS

Complete up to January 1, 1992, the charts on the following pages present the statutory provisions of the workers' compensation laws as amended. The effects of many decisions—by courts and administrative agencies—have been taken into account in interpreting these laws.

All provisions presented by the charts in this booklet have required study and interpretation to reduce them to the brief statements found in the charts. In some cases space does not permit sufficient explanation to clarify all points. In such cases it is suggested that the text of the law should be examined.

For an explanation of the abbreviations used in the charts and a note on benefit computations, see page 49.

FEDERAL AND DISTRICT OF COLUMBIA LAWS

Two federal workers' compensation laws are charted. The Federal Employees' Compensation Act (F.E.C.A.) governs compensation of all employees of the United States government. The Longshore and Harbor Workers' Compensation Act provides job disability benefits for all U.S. maritime employment and certain others. Courts have held that the Longshore Act does not apply to maritime employment in Puerto Rico, however.

Entries for the District of Columbia are derived from the District of Columbia Workers' Compensation Act, a D.C. enactment replacing the Longshore Act, effective July 26, 1982. D.C. government employees are covered by a separate D.C. enactment that replaces the F.E.C.A. The law for D.C. government workers is not charted except where it differs materially from the F.E.C.A.

The charts do not cover the federal Black Lung Act, the disability provisions of the Social Security program, the Federal Employer's Liability Act (Jones Act), or veterans' benefits.

CANADIAN LAWS

This booklet includes an analysis of the Canadian federal and provincial workers' compensation acts. Each province and territory administers its own act or ordinance. The federal Merchant Seamen's Compensation Act is charted, also.

Employees of the Canadian federal government are compensated under the Government Employees' Compensation Act, administered by Labour Canada. Compensation is paid by the Canadian government, but the amount is determined by the workers compensation board for the province where the worker is usually employed. Government employees residing in the Northwest Territories or the Yukon Territory may receive compensation in accordance with the Alberta Act. In view of this arrangement, the charts do not include the Government Employees' Compensation Act except where it differs materially from the provincial acts.

ANNUAL COST

According to a 1991 Tellinghast report, the cost of workers' compensation has doubled in the last five years, costing employers an estimated $60 billion in 1990. That figure is a near 50 percent increase from the $42.9 billion spent in 1988, by employers on insurance or self-insurance against work-related injuries.

The average cost of benefits has also risen sharply. In a 1991 survey based on forty-three jurisdictions, NCCI determined that the average cost of benefits per 100,000 workers was $38,371,156 for employers who purchased workers' compensation insurance. That national average was paid out as $23,459,446 for indemnity and $14,911,710 as medical benefits. The average cost per $100 of payroll jumped from $2.15 in 1988 to $2.27 in 1989.

HIGHLIGHTS OF 1990

The United States Congress and legislatures in 49 states convened in 1990.

Benefits: Maximum indemnity benefit levels increased in 47 states, the District of Columbia as well as under the Longshore Act and F.E.C.A. Thirty nine states, the District of Columbia and the Virgin Islands now provide for the automatic adjustment of the maximum annually, based upon the state average weekly wage. Two other states change the maximum level more than once annually. In 42 states and the District of Columbia, the maximum weekly benefit now equals or exceeds 66-2/3 percent of the statewide average weekly wage for temporary total disability cases. Of these 31 pay 100 percent or more.

Federal Legislation: In 1991, legislation to reform the Occupational Safety and Health Act (OSH Act) was introduced in both houses of Congress. In the Senate, S. 1622, co-sponsored by Senator Edward Kennedy (D-MA) and Senator Howard Metzenbaum (D-OH), remains at the Subcommittee level. The House version of the OSHA reform bill is H.R. 3160, and is scheduled for a series of hearings throughout the early half of 1992. Representative William Ford (D-MI) is the sponsor.

Both bills are comprehensive and include a proposal for a study to "federalize" workers' compensation.

NEXT EDITION OF THE ANALYSIS OF WORKERS' COMPENSATION LAWS

Forty-four state legislatures and Congress convene in 1992. Undoubtedly, there will be numerous changes in many workers' compensation laws. A complete revision of this publication is printed annually. The 1993 edition will be available in March 1993. It will reflect changes made in workers' compensation laws up to January 1, 1993.

A mid-summer supplement to the *Analysis* is available in 1992. To order the *Annual Supplement to the Analysis of Workers' Compensation Laws, 1992 edition (publication #0295),* return the special card included with this edition of the *Analysis*, or simply use one of the order forms on page 53 of this book.

PART 1
COVERAGE OF LAWS

A basic and oft-repeated objective of workers' compensation on which there is broad agreement is that coverage under the acts should be virtually, if not completely, universal. For various historical, political, economic, or administrative reasons no state law covers all forms of employment.

In 1988 the proportion of all wages and salary employees covered by job-injury laws was 87 percent representing 91.3 million workers. Covered payrolls amounted to approximately $2.0 trillion, or approximately 84 percent of total civilian wage and salary disbursements. Charts I through III delineate the statutory employment coverage requirements.

Another basic objective for workers' compensation is to provide compensation for all work-related injuries and diseases. Note that workers' compensation does not seek to cover all worker health problems. To make this distinction, fairly uniform statutory definitions and tests have been adopted in each state. Typically the statute limits compensation benefits to "personal injury caused by accidents arising out of and in the course of employment."

Although the test is fairly uniform, its interpretation has not resulted in completely uniform coverage of injuries and diseases. Initially, this problem was remedied by providing coverage for specific occupational diseases. With advances in medical technology and increased exposures to a growing number of substances with a variety of physical stresses, it became impractical to define work-related diseases by specific enumeration. The states have therefore amended their statutes to provide coverage of all occupational diseases. Chart IV portrays the status of the laws on this point.

TYPE OF LAW: CHART I

Compensation laws are compulsory or elective. Under an elective law, the employer may accept or reject the act, but if he rejects it he loses the three common-law defenses—assumption of risk, negligence of fellow employees, and contributory negligence. Practically, this means that all the laws, in effect, are "compulsory." A compulsory law requires each employer within its scope to accept its provisions and provide for benefits specified. Coverage is still elective in only three states: South Carolina, New Jersey, and Texas.

Suits for Damages—Under workers' compensation acts employers generally are exempted from damage suits. Where an employee rejects the act, and sues an employer who has accepted it, the employer usually retains the three common-law defenses. Conditions for rejection of the act often are so severe as to make the privilege virtually inoperative. In a few states, however, courts have created exceptions to the exclusive remedy rule under certain circumstances.

INSURANCE REQUIREMENTS: CHART I

Security for Payment of Benefits—Most jurisdictions require employers to obtain insurance or prove financial ability to carry their own risk.

Chart I notes provisions relating to (1) insurance requirements, (2) penalties for failure to insure, and (3) whether self-insurance or group self-insurance is permitted.

Six states, two U.S. territories, and most provinces require employers to insure in a monopolistic state or provincial fund; in some instances, employers may qualify as self-insurers. Thirteen states permit employers to purchase insurance either from a competitive state fund or private insurance company. Five of the six monopolistic state funds were created between 1913 and 1915, when the principles of workers' compensation were still new. In 1988, state funds collected $6.2 billion in premiums.

The U.S. Chamber of Commerce advocates that employers be permitted to buy private insurance if they so desire and that employers who can qualify be allowed to be self-insurers. Chamber policy states:

"Insurance is an integral part of private enterprise. Insurance should not be regarded as a function to be carried on by the government, and insurance monopolies carried on by governmentally created entities should not be permitted."

Self-Insurers—Some large corporations prefer to assume liability for workers' compensation and avoid administrative costs associated with insurance policies. Twenty-eight states and the Longshore Act authorize group self-insurance for smaller employers who pool their risks and liabilities. Employers spent approximately $6.3 billion in 1988 on self-insurance.

Self-insurance operates best when an employer has a spread of risks so large that he may benefit from the law of large numbers. It is necessary and desirable that the self-insurer establish his own protective services—similar to those insurance companies would furnish for safety engineering and claims adjustment. Also, the self-insurer may have to retain attorneys and doctors to handle problems incident to claims and medical and legal services.

Self-insurance is permitted in 47 states—as shown in Chart I. Chart I also reflects those states that specifically authorize group self-insurance.

Employers may set up a reserve fund for self-insurance to pay compensation and other benefits under the workers' compensation acts of the states. Contrary to the treatment accorded insurance premiums, amounts paid into this reserve fund are not always deductible from gross income as a business expense for income tax purposes. However, amounts paid out—as cash or medical benefits—are deductible. In many cases insurance is purchased because such purchase can dispose of the item of expense and future cost in the current year.

PRIVATE AND PUBLIC EMPLOYMENTS: CHART II

Virtually all industrial employment is covered by workers' compensation. Chart II shows this in detail; also it indicates the extent of coverage for public employment.

Some jurisdictions cover all private employment; others exempt those with less than a stipulated number of employees. Most jurisdictions specifically exclude certain employments. Due to the nature of the work, farm labor, domestic servants, and casual employees usually are exempted. Most jurisdictions permit employees in an exempted class to be brought in voluntarily by the employer or by administrative agency order.

Many jurisdictions provide workers' compensation for all or certain classes of public employees.

Merchant marine and railroad workers in interstate commerce generally are not covered by workers' compensation acts and may seek damages under the Federal Employer's Liability Act.

MINORS: CHART III

Minors are covered by workers' compensation. Some jurisdictions provide double compensation or added penalties—as shown in Chart III. In many states minors also enjoy special legal protections. These are specifically noted for each state.

OCCUPATIONAL DISEASES: CHART IV

Although workers' compensation laws initially had no specific provisions for occupational diseases, now all states recognize responsibility for them. Coverage extends to all diseases arising out of and in the course of employment. Most states do not provide compensation for a disease that is an "ordinary disease of life" or which is not "peculiar to or characteristic of" the employee's occupation.

Chart IV outlines provisions governing occupational disease in each jurisdiction. Generally, compensation is the same as for traumatic injuries (see Part II). Medical care is unlimited. A few states that do not provide permanent partial disability benefits for certain diseases are charted under the heading "Compensation."

Occupational diseases usually become evident during employment or soon after exposure. However, as with radiation disabilities, certain diseases may be latent for considerable time. As Chart IV notes, most states have extended periods in which claims may be filed concerning latent, slowly developing occupational diseases.

Some states impose special restrictions regarding disability resulting from exposure to coal dust, asbestos, silica, or radiation. A number of states have established presumptions for police and firefighters who have heart attacks or respiratory conditions, but no attempt is made to chart them.

OCCUPATIONAL HEARING LOSS: CHART V

The difficulty of distinguishing between work-related permanent hearing loss and loss of hearing caused by nonoccupational factors has resulted in enactment of special provisions in certain states, as shown in Chart V. Entries include the threshold for compensable loss of hearing, minimum exposure requirements, and deductions for loss caused by aging (presbycusis).

OTHER CONSIDERATIONS

A. Accident Prevention—The encouragement of safety is another basic objective of workers' compensation. The effort to reduce the frequency and severity of work-related injuries is accomplished in at least two ways.

First, the workers' compensation program provides employers with preventive services, including safety engineering. This role is assumed by casualty insurance carriers, state funds and safety agencies, and employers. A second general role is to provide a monetary incentive to employers to improve their safety records. Here the insurance premium structure is a primary force.

Costs of accident-prevention services are included in workers' compensation insurance premiums. Casualty insurance engineers help in setting up accident-prevention programs of continuing benefit. Benefits are found in lower insurance rates, increased production efficiency, and better use of manpower. Of course, the greatest beneficiaries are those kept from industrial accidents through application of effective loss-prevention engineering methods.

B. Ratemaking Service Organizations—Premium rates for workers' compensation insurance are compiled scientifically. Accident experience throughout American business is collected by ratemaking service organizations. In eleven states, there are independent rating organizations, and, in the remaining states, excluding those with monopolistic state funds, a national organization, the National Council on Compensation Insurance, exists to collect data and prepare manual rates. The rates prepared by all rating organizations generally are used as a basis for premium charges made by stock and mutual companies.

Member companies of the ratemaking service organizations report experience incurred under workers' compensation policies. This experience serves as a basis for workers' compensation rate determinations in accord with a standard nationwide rate-making procedure approved by the National Association of Insurance Commissioners.

Rating organization manuals are standard with all insurance companies writing business in each state where such organizations are licensed to perform ratemaking services. These manuals set forth rules, procedures, and rates applicable to workers compensation insurance. Where statutes provide for rate regulation by a state supervising authority, revised compensation rates and supporting data are filed annually with it; often, public hearings are held before rates are revised. The supervising authority must approve the rates carriers charge. All states now provide for rate regulation by state authority. In Canada rates are in the form of an assessment—established by each provincial compensation board annually by class of risk.

As set forth in these manuals, compensation rates are based on payroll. Usually only an estimated premium is collected when the policy is written. After the policy expires, a payroll audit is required. The actual premium is then figured and adjustments made.

C. Injuries Outside the Jurisdiction—Frequently, when a worker's occupation takes him into another jurisdiction, questions arise as to which law determines compensation payable. In effect, most compensation laws are extraterritorial—either by specific provisions or court decision. Answers depend on provisions of the particular laws involved and require consideration of circumstances—such as place and nature of employment, place where contract was made, employee's residence, and employer's place of business.

D. Civil Defense and Other Volunteers—Many states have laws to compensate civil defense and other volunteer workers (such as firemen) injured in line of duty. Attention is called to these laws, but no attempt is made to chart their provisions.

E. Black Lung Act—The Federal Black Lung Act (Title IV of the eral Coal Mine Health and Safety Act of 1969, as amended in 1972, 1978, and 1981) provides benefits for total disability or death caused by respiratory illness attributable to coal mining (black lung disease). The Act is administered by the Division of Coal Mine Workers in the U.S. Department of Labor's Office of Workmen's Compensation Programs and by the Social Security Administration.

Effective January 1, 1992, monthly benefit payments range from $463.30 to $806.60, computed at 37-1/2 percent of the monthly pay for federal employees at GS 2, Step 1, plus an allowance for dependents equal to 50%, 75%, or 100% of the basic benefit, for 1, 2, or 3 or more dependents, respectively.

A total of almost $7.5 billion in black lung payments were made to claimants from 1974 to 1990. In fiscal year 1991, over $566 million was paid to approximately 87,000 claimants each month.

A Black Lung Disability Trust Fund, financed by an excise tax on coal production, was set up by the 1978 amendments to pay claims where the last employment was prior to 1970 or where no responsible coal mine operator has been identified. The fund remained in deficit by over $3 billion as of January 31, 1992, despite 1981 amendments that doubled the coal tax and revised eligibility criteria in an effort to make the fund solvent.

F. Social Security Disability—The federal Social Security Disability program pays benefits on behalf of disabled workers under age 65 whose disability is expected to last 12 months or result in death. A worker becomes eligible after a minimum period of employment covered by Social Security, measured in calendar quarters. There is a 5-month waiting period.

Cash benefits are payable monthly based on wages in covered employment, plus allowances for spouse and children. Effective January 1, 1992, the maximum is $1,275.00 for an individual, family maximum is $1,912.00. Average monthly benefit awarded in December 1991 was $613.15. Cost-of-living increases are effective each December, payable the following January.

Benefits are paid out of the Disability Trust Fund, financed from the federal Social Security tax.

Combined Social Security Disability and workers' compensation benefits may not exceed 80 percent of "average current earnings" prior to disability. The Omnibus Budget Reconciliation Act of 1981 requires that Social Security disability benefits supplement workers compensation unless state law provided for a reverse offset on or before February 18, 1981.

CHART I TYPE OF LAW AND INSURANCE REQUIREMENTS January 1, 1992

JURISDICTION	TYPE OF LAW	INSURANCE	SELF-INSURANCE	PENALTIES ON FAILURE TO INSURE
ALABAMA	Compulsory	Required	Individual and group	Fine of not less than $25 nor more than $1,000. Employer may be enjoined from doing business and liable to suit with defenses abrogated and double amount of compensation.
ALASKA	Compulsory	Required	Permitted	Class B or C felony (up to 1 year imprisonment, $10,000 fine, or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
AMERICAN SAMOA	Compulsory	Required	Permitted	Misdemeanor, fine up to $1,000 or imprisonment up to 1 year, or both. Employer liable to suit with defenses abrogated.
ARIZONA	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated; 10% penalty of award, expenses, and attorney's fees, or $500 (whichever is greater) plus 10% interest on amount paid from fund and penalty; award paid from Special Fund, injunction against doing business in state.
ARKANSAS	Compulsory	Required	Individual and group*	$500 fine or 1 year imprisonment, or both, employer liable to suit with defenses abrogated.
CALIFORNIA	Compulsory	Required	Permitted	Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is $1,000 per employee, (maxium $100,000). If a claim is filed and an employer has not secured coverage, the employer is liable to pay $1,000 per emloyee in non-compensable cases and $5,000 per employee in compensable cases. Failure to obey stop order is misdemeanor; penalty is fine up to $1,000, imprisonment up to 60 days, or both. $50 penalty for failure to respond to Director's inquiry. Penalties are paid into Uninsured Employers Fund and constitute lien on employer's assets. Employee may sue for damages with employer's defenses abrogated *and* file for compensation. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.
COLORADO	Compulsory	Required	Individual and group	Compensation increased 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business.
CONNECTICUT	Compulsory	Required	Permitted	Fine of not more than $1,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.
DELAWARE	Compulsory	Required	Individual and group	Fine of 10 cents per day per employee (maximum $50, minimum $1 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
DISTRICT OF COLUMBIA	Compulsory	Required	Permitted	Fine of not more than $1,000 or 1 year imprisonment or both.
FLORIDA	Compulsory	Required	Individual and group	Fine of not more than $500 if upon receiving written notice requesting proof of coverage and employer is unable to prove he has secured coverage and if coverage is not secured within 96 hours of receiving notice, $100/day is assessed until coverage is secured. Also, up to one year imprisonment and employer liable to suit with defenses abrogated, and may be enjoined from doing business.
GEORGIA	Compulsory	Required	Individual and group	Misdemeanor. Compensation may be increased 10% plus attorney's fees. Penalty up to $50 per day.
GUAM	Compulsory	Required	Not permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feasors against the employer.
HAWAII	Compulsory	Required	Individual and group	$250 or $10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
IDAHO	Compulsory	Required	Permitted	Misdemeanor. Employer also liable to penalty of $2 per day per employee, and may be enjoined from doing business after 30 days default. If employer has been assessed a penalty within 3 years and continues failure to insure, he is then assessed $500 for the second violation and $1,000 for each violation thereafter.
ILLINOIS	Compulsory	Required	Individual and group	Fine of up to $500 for each day's default, employer liable to suit.
INDIANA	Compulsory	Required	Permitted*	Class A infraction—maximum fine $10,000. Uninsured employer may be liable for medical and legal expenses plus double compensation and may be enjoined from doing business.
IOWA	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated and presumption of negligence of employer. In coal mining, employer is liable to penalty of $10 to $100 per day and may be enjoined from further noncompliance.
KANSAS	Compulsory	Required	Individual and group	Employer liable to suit with defenses abrogated.
KENTUCKY	Compulsory	Required	Individual and group	Failure to secure payment of compensation—claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business.
LOUISIANA	Compulsory	Required	Individual and group	Fine of $250.00 per employee for the first offense and $500.00 per employee for the second offense.
MAINE	Compulsory	Required	Individual and group	Employer liable for civil penalty of up to $10,000 payable to Second Injury Fund. Corporate employers subject to revocation or suspension of its authority to do business. Class D crime. Employer liable to suit with defenses abrogated.
MARYLAND	Compulsory	Required	Individual and group*	Fine of $500 to $5,000 and/or imprisonment for not more than 1 year. Additional penalty for failure to comply with Commission's orders amounting to 6 months insurance premiums. Employer also liable to suit with defenses abrogated. Other insurers assessed to pay unpaid claims of insolvent insurer. Fine of $300 and 15% penalty on award payable to Uninsured Employers Fund.
MASSACHUSETTS	Compulsory	Required	Individual and group	Fine of not more than $500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated.
MICHIGAN	Compulsory	Required	Individual and group	Fine of $1,000 or imprisonment for 30 days to 6 months, or both; employer liable for damages.
MINNESOTA	Compulsory	Required	Individual and group	Penalty of $750 if under 5 employees, otherwise $1,500.* Additional penalty 5 times lawful premiums for continued noncompliance. Employer may be enjoined from further employment. Employer to reimburse compensation paid plus 50% penalty. Intentional noncompliance is gross misdemeanor. Employer liable to suit with some defenses abrogated.
MISSISSIPPI	Compulsory	Required	Individual and group*	Fine up to $1,000 or one year imprisonment or both. Employer also liable to suit with defenses abrogated.
MISSOURI	Compulsory	Required*	Individual and group	Employer liable to suit with defenses abrogated. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for amounts paid plus fine of $100 per day of noncompliance after date of injury (up to $5,000).
MONTANA	Compulsory	Required	Individual and group*	Division must enjoin employer from doing business. Double amount of unpaid premiums assessed as penalty (minimum $200). Employer liable for compensation payable up to $50,000. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
NEBRASKA	Compulsory	Required	Permitted*	Employer liable to suit with defenses abrogated, $1,000 fine maximum, 1 year imprisonment, or both; may be enjoined from doing business.
NEVADA	Compulsory*	Required in state fund	Individual	Employer liable to suit with defenses abrogated and may be enjoined from doing business; misdemeanor punishable by a fine up to $500 per offense.
NEW HAMPSHIRE	Compulsory	Required	Individual and group	Penalty of $2,500, plus $100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages.
NEW JERSEY	Elective	Required*	Permitted**	Employer liable to suit with defenses abrogated. Misdemeanor, punishable by a fine of not more than $1,000 or not more than 60 days imprisonment or both; plus $25 for each 10-day period but not more than $100 at any one time. Also assessment of $1,000 plus 15% of award up to $5,000 payable to Uninsured Employers Fund.
NEW MEXICO	Compulsory	Required	Individual and group	Employer may be enjoined from doing business and/or fined up to $5,000.
NEW YORK	Compulsory	Required	Individual and group	Fine of $500 to $2,500 or imprisonment for up to 1 year, or both, with fines to $7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of $250 for each 10-day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage.*

Ark. *Municipalities with more than 70,000 population may self-insure on individual or group basis.

Ind. *Except as to state and political subdivisions, banks, trust companies, and savings and loan associations.

Md. *Eligibility for group self-insurance is limited to counties, municipalities, and certain private employers.

Minn. *$2,500 and $5,000, respectively, for deliberate failure to insure.

Miss. *All self-insurers must be members of the Mississippi Worker's Compensation Self-Insurer Guaranty Association.

Mo. *Employer engaged in mining must insure only to the extent of maximum liability for 10 deaths in any one accident.

Mont. *Public corporations may establish individual or group self-insurance funds.

Neb. *Group self-insurance permitted for any two or more public agencies.

Nev. *Employee temporarily working in state must prove coverage in another state before beginning work in Nevada.

N.J. *Unless employer rejects. Employer of farm worker not required to insure.
**Group self-insurance authorized for hospitals and local government units.

N.Y. *President, secretary and treasurer of a corporation are personally liable for penalties. Corporate officer who failed to obtain insurance ineligible for benefits out of Uninsured Employers Fund (for himself, surviving spouse, or dependents).

CHART I ☐TYPE OF LAW AND INSURANCE REQUIREMENTS ☐January 1, 1992 (continued)

JURISDICTION	TYPE OF LAW	INSURANCE	SELF-INSURANCE	PENALTIES ON FAILURE TO INSURE
NORTH CAROLINA	Compulsory	Required	Individual and group*	Misdemeanor, punishable by fine of $1.00 per day per employee (maximum $100, minimum $50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated
NORTH DAKOTA	Compulsory	Required in state fund	Not permitted	Misdemeanor punishable by $500 fine, 1 year imprisonment, or both. Uninsured employer liable for damage or injuries or death and cannot avail himself of common law defense. Employer may be enjoined from employing uninsured workers.
OHIO	Compulsory	Required in state fund	Permitted	Minor misdemeanor—fine up to $100. If willful, second degree misdemeanor—fine up to $750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated
OKLAHOMA	Compulsory	Required	Individual and group	Fine of $250 per employee for first offense, $500 per employee for second offense, up to $10,000. Penalty of Misdemeanor or up to six months in jail.
OREGON	Compulsory	Required	Individual and group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Fine up to $1,000 for first violation; to $25 per day for subsequent violations; additional fines to $5,000 based on extent of injury.
PENNSYLVANIA	Compulsory	Required	Permitted	Fine of $500 to $2,000 per day or not more than 1 year imprisonment, or both. Employer liable to suit with defenses abrogated.
PUERTO RICO	Compulsory	Required in territorial fund	Not permitted	Misdemeanor, fine of $500 maximum, or imprisonment for not more than 6 months or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum $10.00).
RHODE ISLAND	Compulsory	Required	Individual and group	Fine of $1,000 and 1 year imprisonment. Corporate officer liable personally; employer liable to suit with defenses abrogated.
SOUTH CAROLINA	Elective	Required*	Individual and group	If employer does not reject and fails to insure, fine of 10 cents per day per employee (maximum $50, minimum $1 per day); if default continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of $100 to $1,000 or imprisonment of 30 days to 6 months, or both.
SOUTH DAKOTA	Compulsory	Required	Individual and group	Employer liable to suit for damages or double compensation and medical care as benefits.
TENNESSEE	Compulsory	Required	Individual and group	Administrative fine of $5,000 for every 30 days of willful refusal and noncompliance.
TEXAS	Elective	Required*	Not permitted**	Employer liable to suit with defenses abrogated.
UTAH	Compulsory	Required	Permitted	Fine of not more than 1 1/2 times the premium employer would have paid during period of non-compliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employer's Fund plus interest, costs and attorney's fees.
VERMONT	Compulsory	Required	Permitted	Failure to secure compensation—fine up to $50 per day, up to a maximum of $1,500. Fine increases to $150 per day 30 days after notice by Commissioner.
VIRGIN ISLANDS	Compulsory	Required in territorial fund	Not permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to $500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business.
VIRGINIA	Compulsory	Required	Individual and group	Fine of $50 to $1,000. Employer liable to suit with defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits class 2 misdemeanor.
WASHINGTON	Compulsory	Required in state fund	Permitted*	Employer may be enjoined from doing business. Willful failure is misdemeanor—fine is $25 to $100 daily. 50% to 100% of claim cost, plus $500 or twice the unpaid premium (whichever is greater).
WEST VIRGINIA	Compulsory	Required in state fund	Permitted	Employer liable to suit with defenses abrogated, all past premiums plus interest, reimbursement to state fund for claims paid on his behalf for failure to subscribe; may be enjoined from doing business in state.
WISCONSIN	Compulsory	Required	Permitted	Fine of $10 to $100 and double the evaded premium. Each day is a separate offense. Employer may be restrained from doing business pending compliance. Employer liable for all benefits awarded on uninsured claims.
WYOMING	Compulsory	Required in state fund*	Not permitted	Fine of not more than $750, plus .02% interest per month on unpaid balance. Employer may also be enjoined from doing business. Employer liable to suit with defenses abrogated.
F.E.C.A.	Compulsory	Federal appropriation		
LONGSHORE ACT	Compulsory	Required	individual and group	Fine of not more than $10,000 or 1 year in prison or both for failure to secure payment of compensation.
ALBERTA	Compulsory	Required in provincial fund	Not permittted	Failure to furnish required security—Board may order employer to cease employment; violation—fine up to $200 daily. Failure to submit statement of wages—up to 15% assessment plus penaty up to half of compensation payable, maximum $500. Failure to pay assessment—up to 24% penalty per annum. Board certificate has same effect as court judgement; employer's goods may be seized.
BRITISH COLUMBIA	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages—compensation payable plus percentage of assessment set by Board. Failure to pay assessment—unpaid amount plus costs of collection and percentage penalty, compensation payable, and employer may be enjoined from operating.
MANITOBA	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages—maximum fine $500. Failure to submit payroll return statement—employer liable for difference between amount assessed and actual amount, together with interest at prime plus 3% and a penalty of 5% or 10% of the employer's assessment (maximum $5,000). Failure to pay assessment interest of 1.5% per month, compounded monthly, plus employer liable for compensation payable.
NEW BRUNSWICK	Compulsory	Required in provincial fund*	Not permitted	Failure to submit statement of wages—maximum penalty $500 plus percentage fixed by Board. Failure to pay assessment—employer liable for compensation payable plus percentage penalty and costs of collection.
NEWFOUNDLAND	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages—maximum penalty $1,000. Failure to pay assessment—assessment plus costs of collection, and a percentage penalty. Employer may be held liable for costs of claims or injuries during period of default.
NORTHWEST TERRITORIES	Compulsory	Required in territorial fund	Not permitted	Failure to submit statement of wages or to pay assessment—employer liable for compensation payable and assessment, plus percentage of assessment as penalty established by Board or regulations.
NOVA SCOTIA	Compulsory	Required in provincial fund	Permitted*	Employer liable for compensation payable. Failure to submit statement of wages—employer liable for unpaid amount and costs of collection plus 5% penalty; 1% penalty for each month in default; $50 if annual statement. Failure to pay assessment—2% penalty applied on the premium for the first month, plus 1% for each subsequent month in default.
ONTARIO	Compulsory	Required in provincial fund	Not permitted	Failure to submit statement of wages upon commencing operations and at other required times—penalty plus liability for additional percentage of assessment and costs of claim at discretion of Board.
PRINCE EDWARD ISLAND	Compulsory	Requied in provcial fund	Not permitted	Failure to report payroll or pay assessment—penalty of $100 per week of default plus 2% of amount unpaid after 1 month and 1% for each additional month. Failure to pay assessment—employer may be enjoined from operating.
QUEBEC	Compulsory	Required in provincial fund	Not permitted*	Failure to submit statement of wages upon commencing operations or at other required times—penaty of 5% of the assessment unpaid for the first month plus the interest on the assessment for subsequent months, in addition to a maximum fine of $1,000. Failure to pay assessment, employer liable for 10% of claim cost which cannot be less than $100.
SASKATCHEWAN	Compulsory	Required in provincial fund	Not permitted	Failure to submit statements of wages upon commencing operations or at other required times—maximum fine $500. Failure to pay assessment, employer liable for percentage penalty to be established by Board and may be enjoined from operating.
YUKON TERRITORY	Compulsory	Required in territorial fund	Not permitted	Upon failure to submit statement of wages upon commencing operations or at other required times and failure to pay assessment, an employer is liable for a percentage penalty established by Board, and employer may be enjoined from operating.
CANADIAN MERCHANT SEAMEN'S ACT	Compulsory	Required	At discretion of Board	Failure to insure or cover by other means satisfactory to the Board may cause ship to be detained by Customs.

N.C. * All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

S.C. *Unless employer rejects.

Texas *If employer accepts.
**Except for state and political subdivisions. Beginning 1/1/93, self-insurance will be permitted upon Commission approval of each inquiry.

Wash. *Group self-insurance permitted for school districts and hospitals.

Wyo. *Nonhazardous employments may also be insured with private carriers or state fund.

B.C. *Employer directly liable for compensation if injury was caused by employer's gross negligence or lack of an accident prevention program; maximum $31,382.61.

N.B. *Subject to approval of Lt.-Gov. in Council, Board may make arrangement for insurance or reinsurance.

Nova S. *Individuals whose industries falloutside the scope of the WCB of Nova Scotia Act may elect to pay for compensation insurance under the Board's Special Coverage plan.

Quebec *Permitted only for employer operating an interprovincial or international railway or maritime transport firm.

CHART II COVERAGE OF LAWS January 1, 1992

JURISDICTION	EMPLOYMENT COVERED[1]		EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS[1]
	PRIVATE	PUBLIC		
ALABAMA	Compulsory as to employers of 3 or more. Effective as to partners or sole proprietors. Corporate officers may reject.	Compulsory as to all public employments except municipalities of less than 2,000 population. Certain school systems and institutions covered.*	Domestic servants and casual employees	Voluntary for employers of less than 3, including farmers.
ALASKA	Compulsory as to all employments, including elected or appointed corporate executive officers. Elective as to sole proprietors or members of a partnership.	Compulsory as to state and political subdivisions, members of state boards and commissions, and members of the state-organized militia. Includes regular firemen if not prohibited by local law. Voluntary as to executive officers of municipal corporations.	Part-time baby sitters, cleaning persons, harvest help, or similar transient help; entertainers employed on contractual basis; and commercial fishermen.	Voluntary as to executive officers of a charitable, religious, educational, or other nonprofit corporation. Specialty contractors must maintain coverage in order to obtain or renew registration.
AMERICAN SAMOA	Compulsory as to employers of 3 or more; coverage may be required for all hazardous employments.	Compulsory as to all public employments.		Voluntary as to exempt employers.
ARIZONA	Compulsory as to all employments. Elective for working partners. Employee may reject.	Compulsory as to state, counties, cities, towns, municipal corporations, school districts, and volunteers enumerated by statute.	Domestic servants, casual employees, and real estate licensees.	Voluntary as to sole proprietors and employers of domestic servants. Motion picture business employers and employees may be exempted from law provided equal benefits are provided by insurance in domicile state.
ARKANSAS	Compulsory as to employers of 3 or more. Elective as to partners or sole proprietors.	Compulsory as to state agencies, departments, institutions, counties, cities and towns. Excludes workfare recipients.	Farm labor, domestic servants, casual workers, public charities, vendors, or distributors of newspapers and other publications.	Voluntary as to excepted employments. Compulsory for employments in which two or more employees are engaged in building or building repair work; in which one or more employees of a contractor who subcontracts any part of his contract; and in which one or more employees is employed by a subcontractor.
CALIFORNIA	Compulsory as to all employments. Elective for working members of a partnership and for working officers and directors of a private corporation who are sole shareholders.	Compulsory as to all public employments except clerks and deputies serving without remuneration, and to regional occupational centers, programs or school districts offering training to pupils outside attendance area as to enrolled pupils. Volunteers in a sheriff's reserve are covered if locality adopts a resolution stating they are covered.	Charity workers and volunteer member workers at camps, etc., operated by nonprofit organizations. Employer sponsored bowling teams. Domestics who work less than 52 hours during preceding 90 days or earn less than $100. Students in sport events (excludes amateur athletic participants who are not employees).	Voluntary as to excepted employments and sponsoring agencies of Economic Opportunity Programs. Employer not liable for injury due to off-duty recreational, social, or athletic activity not part of work-related duties.
COLORADO	Compulsory as to all employments. Corporate officer who is 10% shareholder may reject. Elective as to active employer or partner.	Compulsory as to all salaried public employments. Job trainees deemed employees of training institution.	Employees of religious or charitable organizations, part-time domestic servants*, and casual employees who earn less than $2,000 per year, volunteer ski lift operators, independent real estate salespersons and brokers, and independent truckers.	All farm labor covurad in 1977. Officers of farm corporation may reject coverage.
CONNECTICUT	Compulsory as to all employments. Corporate officer may reject. Elective as to sole proprietors or partners.*	Compulsory as to all state, public corporations, and members of General Assembly. Municipalities may elect coverage of elected and appointed officials, police, and firemen.	Casual employees, outworkers,[3] domestics employed less than 26 hours weekly, officers of fraternal organizations paid less than $100 per year.	Voluntary as to excluded employments.
DELAWARE	Compulsory as to all employments. Up to 4 corporate officer-stockholders may reject. Elective as to sole proprietors or partners.	Elective as to state and certain counties, cities, and towns.	Domestic servants, casual employees earning less than $300 in 3 months from one household; farm labor.	Elective as to licensed real estate brokers.
DISTRICT OF COLUMBIA	Compulsory as to all employments.	Separate act is compulsory for all public employments, except officers or employees of the United States, state, or foreign government, and uniformed D.C. police or firemen.	Farm labor, casual employees, master or crew of any vessel, and employees of common carrier by railroad in interstate commerce.	Act applies to employees principally localized in Washington, D.C. Domestic workers covered if employer employs 1 or more for 240 hours or more per quarter.
FLORIDA	Compulsory as to employers of 4 or more, 1 or more in construction or construction-related trades. Elective as to corporate officers, partners, and sole proprietors, but officers of a construction or construction-related company may elect exemption from coverage for up to 3 officers, otherwise must maintain coverage.	Compulsory as to state and political subdivisions (includes volunteers), except elected officials.	Domestic servants, casual employees, 12 or fewer casual or 5 or fewer regular farm labor, professional athletes, owner-operator of a motor vehicle who is under written contract with a motor carrier and assumes all responsibility for carrying out that contract, and volunteers (except for government entities but including volunteer firefighters).	Voluntary as to excepted employments. Excludes real estate salesmen, solely on commission. Numerical exemption inapplicable to employees of subcontractors. When a contractor sublets part of his contract, the contractor is responsible for securing and paying coverage for subcontractor.
GEORGIA	Compulsory as to all employers of 3 or more. Elective as to active partners, sole proprietors, or farm employers.	Compulsory as to state, county, municipal corporations, and political subdivisions including school districts. Voluntary as to planning commissions.	Farm labor, domestic servants, employees of common carriers by railroad, casual labor and licensed real estate salesmen and brokers.	Voluntary as to excepted employments.
GUAM	Compulsory as to all industrial employments.*	Compulsory as to paid and voluntary work done for Government of Guam or any political subdivision.	Casual labor and members of Territorial Board of Education.	All contracts of hire in the Territory for work outside the Territory are presumed to allow remedies under the Guam Workers' Compensation Law.
HAWAII	Compulsory as to all industrial employments.* Compulsory as to all out-of-state employers who work in the state.	Compulsory as to all public officials, elective or appointed. Covers public board members.	Volunteers of religious, charitable, or nonprofit organizations. Domestics who earn less than $225 during each quarter in the preceding year. Unpaid corporate officers with 25% + shares of corporation with no employees.	Voluntary as to employments not defined as industrial.
IDAHO	Compulsory as to all employments. Elective as to corporate officers who are 10% shareholders, sole proprietors, and working members of partnership.	Compulsory as to all public employments except officials at secondary school athletic contests. Members of Idaho National Guard will be covered under state law, if not covered under federal law.	Agriculture pursuits, domestic servants, casual labor, indwelling members of employer's family, outworkers,[3] employment not for money, airmen, and commission real estate salesmen and brokers.	Employees within state who work for employers domiciled in another state are covered. Credit is provided for benefits paid to employees under the law of other states.
ILLINOIS	Compulsory as to enumerated "extra hazardous" employments (including occupational diseases). Elective as to partners and sole proprietors.	Compulsory as to all public employments except members of fire and police departments in cities over 200,000 population (such firemen covered to extent of burn-related disfigurement).*	Certain farm labor, domestics, and persons not in usual course of employer's business, real estate brokers and salesmen paid by commission only.	Voluntary as to excluded employments.** Corporate officers of small business may reject.
INDIANA	Compulsory as to all employments including corporate officers. Elective as to sole proprietors, or partners.	Compulsory as to state, municipal corporations, and political subdivisions; includes state legislators, and elected and appointed officials.	Farm labor, domestic servants, casual workers, and railroad workers, and licensed real estate professionals.*	Compulsory as to coal mining and for students in cooperative education.
IOWA	Compulsory as to all employments but up to 4 corporate officers may reject. Elective for proprietors and working partners.	Compulsory as to all public employments, except firemen and policemen entitled to pension fund. Covers highway safety patrol officers, conservation officers, criminal defendants while performing unpaid community service or other services, and agricultural workers at state universities.	Domestic and casual workers earning under $200 per quarter; farm labor, if employer payroll under $2,500 per year.	Voluntary as to excepted employments. Persons receiving employment training or evaluations in an approved facility are covered for PP or PT disabilities. Under certain conditions, truck owner-operators and real estate agents are considered independent contractors and are required to maintain own coverage.

NOTE: State courts vary in decisions whether minimum of persons must be in state.

[1] Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, such action of the employer must be concurred in by the employees.

[2] Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3] Outworker is person to whom articles are given for cleaning, repair, etc., at home.

Ala. *Employees of all county and city bds. of education, Ala. Inst. for Deaf and Blind, and 2-yr. colleges under state bd. of educ. control. Special act covers employees of U.S.S. Alabama Battleship Comm. and authorizes excess medical care benefits not to exceed $10,000 per employee, also, for employees of Department of Agriculture and industries. Special act covers employees of Tannehill Furnace and Foundry Commission.

Colo. *Part-time is equal to less than 40 hours per week.

Conn. *Non-members of a civil preparedness force and volunteer firemen who are requested by a municipality to aid in an emergency situation are covered under the workers compensation laws of the municipality where the injury occurs, and under the laws where their company is located respectively.

Guam *Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

Hawaii *Employment in trade, occupation, or profession, carried on by employer for pecuniary gain.

Ill. *Townships may elect coverage for participants in job training or work program.
**The law is "elective" as to private employments of a nonhazardous nature, but it does not abrogate the employer's defenses if he does not accept the act, and thus is considered to be voluntary.

Ind. *Elective for officer of a charitable, religious, educational, or nonprofit corporation.

CHART II ☐ COVERAGE OF LAWS ☐ January 1, 1992 (continued)

JURISDICTION	EMPLOYMENTS COVERED[1]		EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS
	PRIVATE	PUBLIC		
KANSAS	Compulsory as to all employments, including corporate executive officers. Elective as to partners, individuals, or self-employeds.	Compulsory as to all public employments. Members of firemen's relief associations may elect to accept or reject coverage. Public agencies or entities may elect coverage for persons required to perform community service work.	Farm labor or any employer whose gross annual payroll is not more than $10,000; real estate brokers and salespersons on commission.	Compulsory as to eleemosynary institutions. Voluntary as to excluded employments. Labor unions and associations may elect coverage for their members who perform services and are not full-time employees.
KENTUCKY	Compulsory as to all employments, including corporate executives. Elective as to owner of business or partner. Worker may reject voluntarily prior to injury.	Compulsory as to state and political subdivisions, including elected and appointed state officials, employees of the General Assembly and volunteer firefighters and ambulance personnel.	Domestic servants if employer employs fewer than 2 each regularly employed 40 hours a week, casual workers employed less than 20 consecutive work days, agricultural labor; worker for charitable or religious organization in return for aid or sustenance; and participant in carpool to and from work.	Specifically covers newspaper carriers and members of volunteer ambulance service, fire or police department. Voluntary as to excluded employments.
LOUISIANA	Compulsory as to all employments, including corporate executives. Corporate officers who are 10% shareholders and sole proprietors may reject.	Compulsory as to all public employments, except sheriffs' deputies and officials. Subdivisions may cover elective and appointive officials.	Crews of crop spraying aircraft while acting as contractors, or employees of persons principally engaged in agriculture; real estate brokers and salesmen, domestic workers.	Excludes officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations.
MAINE	Compulsory as to all employments, including corporate executive officers. Corporate officers who are 20% shareholders may reject. Elective as to self-employed persons or partners.	Compulsory as to state, counties, cities, towns, and quasi-municipal corporations. Includes firemen and police and volunteer firemen and emergency medical services personnel.	Domestic workers, seasonal (works less than 26 weeks/year, full- or part-time) or casual agricultural or aquacultural employees.* Maritime employee in interstate or foreign commerce. Commission-paid real estate salesman or broker.** Independent contractor. Employee harvesting 150 cords of wood from farm wood lot. Voluntary participant in employer-sponsored athletic event. Elected or appointed executive officers of a charitable, religious, educational or other nonprofit corporation.***	Voluntary as to excluded employments. Parent, spouse, or child of sole proprietor, partner, or corporate officer who is a 20% shareholder, or shareholders of a professional corporation, may reject coverage.
MARYLAND	Compulsory as to all employments, including corporate officers. Elective as to partners or sole proprietors. Corporate farm officers who are 20% shareholders may reject. Elective for officers owning 20% or more of a professional services corporation and performing professional services for that corporation.	Compulsory as to state, counties, cities, and their agencies; paid firemen in certain counties; prisoners working for county roads boards; forest wardens, crewmen and fire fighters for Department of Forest and Parks, jurors for non-federal courts, including the state militia during both training and active duty.	Domestic workers who earn less than $250 in a quarter from a single household; certain maintenance workers, not employed for 30 consecutive days around a private home, seasonal, migratory farm labor within 25 miles of residence who work no more than 13 weeks a year and who do not operate machinery or equipment, farmers who employ fewer than 3 or have a full-time payroll less than $15,000, and commission-paid real estate salesman or broker. Also, independent contractors and owner-operators of Class F tractors who are under agreement with a motor carrier.	Voluntary as to excluded employments. Officers of close corporation may reject. Small employers of farm labor may be insured under a group policy. Certain volunteer firefighters and paramedics may be covered.
MASSACHUSETTS	Compulsory as to all employments.	Compulsory as to state, elective as to counties, cities, and districts having power of taxation. Municipalities required to indemnify police and firemen. Cities and towns may cover certain elected or appointed officials.	Seasonal and casual labor, domestic servants employed less than 16 hours a week, masters and seamen in interstate commerce covered by federal law, athletes whose contracts provide wages during job disability, commission-paid salespersons, independent taxi drivers, and voluntary participants in recreational activities.	Voluntary as to domestic servants hired casually or on a seasonal basis.
MICHIGAN	Compulsory as to all employers of 3 or more, or less than 3 if 1 is employed for 35 hours per week for 13 weeks by same employer.*	Compulsory as to all public employments, including Michigan Conservation Corps members. Trainees in federally funded training program deemed employees of sponsoring public entity.	Professional athletes whose average weekly wage is more than 200% of statewide average weekly wage; domestic servants who work less than 35 hours a week for 13 weeks a year; licensed real-estate salesmen.	Voluntary as to employer of 2 or less, and domestic service. Family members may be excluded by endorsement.
MINNESOTA	Compulsory to most employments. Elective as to partners or officers of certain family farms or close corporations and their families.	Compulsory as to most public employments. Subdivisions may cover elective and appointed officers.	Certain casual labor, household workers who earn under $1,000 per 3 months from one private household, family farms with annual farm labor payroll under $8,000, railroad workers covered by federal law, and nonprofit corporations with annual payroll under $1,000; commercial thresher or baler for family farm.*	Election must be in writing. Person, partnership or corporation may elect coverage for independent contractors for a fee. Specifically covers voluntary first responders and members of law enforcement assistance organizations.
MISSISSIPPI	Compulsory as to all employers of 5 or more. Corporate officers may reject.	Compulsory as to all public employments, including political subdivisions of the state. Specifically excludes handicapped in state sheltered workshop programs.	Domestic servants, farmers, farm labor, newspaper distributors, officers of nonprofit charitable, fraternal, cultural, or religious corporations or associations.	Voluntary as to exempted employers.
MISSOURI	Compulsory as to all employers of 5 or more.* Elective for partners and sole proprietors. Compulsory as to construction industry employers of 1 or more employees.	Compulsory as to all public employments, including elected and appointed state officials, contractors of a public corporation, state militia, and sheriffs and deputy sheriffs. Compulsory for workers on state welfare projects under federal Economic Opportunity Act.	Farm labor, domestic servants, occasional labor for private household, qualified real estate agents, members of employer's family by marriage or consanguinity, inmates confined to a state prison, penitentiary, county or municipal jail, residents of mental health facilities and unpaid volunteers of a tax-exempt organization.	Voluntary as to exempt employments, employers of less than 5 employees, and salaried officers of Missouri farm corporations.
MONTANA	Compulsory as to all employments. Corporate officers may reject. Partners and sole proprietors may apply for an exemption.	Compulsory as to all public employments, including public contractors, and volunteer rescue workers.	Domestic and casual employment, employers covered by federal law, person performing services for aid and sustenance only, officials at amateur athletic events, real estate broker or salesman, direct sellers of consumer goods, dependent member of employer's family for whom the employer may claim an exemption under the federal tax code, and newspaper carriers or free-lance correspondents, cosmetologists and barbers.	Coverage is mandatory for partner or sole proprietor who is independent contractor, but may apply for personal exemption. Voluntary as to exempt employments.
NEBRASKA	Compulsory as to all employments. Corporate officers who are 25% shareholders may reject. Elective as to proprietors, partners or self-employed.	Compulsory as to all employments, including officials elected or appointed for fixed terms.	Farm labor and domestic servants.	Voluntary as to farm labor and domestic service.
NEVADA	Compulsory as to all employments. Elective as to sole proprietors.	Compulsory as to all employments, including public contractors. Also includes unpaid members of state departments, boards, commissions, agencies, or bureaus appointed by a statutory authority, members of local bands and orchestras.	Farm labor, domestic servants, casual employees, employees engaged without pay in employer's social or athletic events, voluntary ski patrolmen, and any clergyman, rabbi or lay reader.	Voluntary as to exempt employments. Employee may elect compensation if mandated employer is uninsured.
NEW HAMPSHIRE	Compulsory as to all employments. First 3 corporate officers not counted as employees.* Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Railroad workers covered under F.E.L.A. (Jones Act).	
NEW JERSEY	Elective as to all employments.	Compulsory as to all public employments.	Casual workers, maritime workers, and railroad workers engaged in interstate commerce.	
NEW MEXICO	Compulsory as to employers of 3 or more. Corporate officers who are 10% shareholders may reject. Elective as to partner or self-employed. All employers licensed under the Construction Industries Licensing Act must secure coverage, regardless of number of employees.	Compulsory as to state, counties, cities, towns, schools, drainage, irrigation, or conservancy districts, public instruction or administrative boards, includes elected or appointed officials.	Farm or ranch labor, domestic servants, casual employees, and real estate salespersons.	Voluntary as to farm labor, domestic service, and where less than 3 are employed. Compulsory for charitable organizations employing workers.

NOTE: State courts vary in decisions whether minimum number of persons must be in state.

[1] Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, such action of the employer must be concurred in by the employees.

[2] Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

Me. *Employers of six or fewer agricultural or aquacultural employees exempt if employer maintains liability insurance policy with limits of not less than $100,000 per employee and medical coverage of not less than $1,000.

**Provided that broker or salesman is independent contractor and signs contract with agency indicating such.

***No compensation allowed if injury or death of employee is brought about by willful intention of himself or another, or by intoxication while on duty.

Mich. *Corporate officer who is 10% shareholder of corporation with up to 10 shareholders may reject.

Minn. *Act does not apply to persons covered by Domestic Volunteer Service Act of 1973, as amended.

Mo. *Employers who do not elect coverage are liable to suit with defenses abrogated.

N.H. *If corporation adds fourth officer or has any other employees, all must be covered, including the first three.

CHART II ☐ COVERAGE OF LAWS ☐ January 1, 1992 (continued)

	EMPLOYMENTS COVERED[1]			
JURISDICTION	PRIVATE	PUBLIC	EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS[1]
NEW YORK	Compulsory as to all employments. Elective as to partners, self employed, sole shareholder/officer and two shareholders/officers.*	Compulsory as to state and subdivisions when worker is engaged in hazardous occupations enumerated. Covers school aides and public school teachers in districts outside New York City. Voluntary as to municipal corporations in nonhazardous employments.	Farm labor if payroll during prior year was less than $1,200, volunteer workers, domestic worker not employed by same employer at least 40 hours per week, teacher or nonmanual laborer for religious, charitable, or educational institution, certain real estate salespersons, corporate officer who is sole shareholder and has no other employees, babysitters, and casual employment or repairs in or about a one-family owner occupied residence.	Voluntary as to exempt employments and for certain employment in fulfillment of probationary sentence. Elective as to the individual offices of mental health organizations to provide participants in sheltered workshops with benefits. Jockeys covered by the NY Jockey Injury Compensation Fund.
NORTH CAROLINA	Compulsory as to all employers of 3 or more and all employments with exposure to radiation. Corporate officers count toward total number of employees but may reject. Elective as to partner or sole proprietor.	Compulsory as to public employments, public and quasi-public corporations, and elective officials.	Farm labor, domestic servants, casual workers, railroad workers, voluntary ski patrolmen, individual sawmill or logging operators with fewer than 10 employees who operate less than 60 days over a 6-month period.	Voluntary as to casual employees, domestic servants, and employers of fewer than 3 employees. Compulsory as to agricultural employer with 10 or more full-time nonseasonal workers. Contractor must certify that his subcontractor has secured compensation. If subcontractor has no employees, he may waive his coverage.
NORTH DAKOTA	Compulsory as to all hazardous employments. Elective as to corporate officers, partners or sole proprietors, and resident family members.	Compulsory as to all public employments.	Farm labor, domestic servants, casual workers, illegal enterprises or occupations, and clergy. Real estate brokers or salespersons with written agreements defining them as independent contractors.	Voluntary as to nonhazardous and excluded employments.* Injuries caused by intoxicants are not compensable.
OHIO	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to state, counties, cities, townships, incorporated villages, and school districts.	Casual and domestic workers paid less than $160 by one employer in any 3-month period.	Elective as to officers of family farm corporations and for ordained or licensed ministers in the exercise of their ministry.
OKLAHOMA	Compulsory as to all employments. Elective as to 10% shareholders, partners, sole proprietors, and owner-operator truckers.	Compulsory as to the state, counties, cities, or municipalities except where equivalent schemes are in force.	Domestic and casual employees of homeowner whose annual payroll is under $10,000, worker covered by federal law, agricultural/horticultural employer whose annual payroll is under $100,000, real estate salesmen and brokers.	Excludes certain persons sentenced to public service, assigned to work release or private prison industry programs.
OREGON	Compulsory as to all employments. Elective as to sole proprietors, partners, except in construction and some corporate officers who are also directors with a substantial ownership interest.*	Compulsory as to state, counties, cities, or towns and other political subdivisions. Covers volunteer trainees in state schools for deaf and blind. Excludes cities more than 200,000 population with equivalent compensation.	Under specified circumstances: Domestics, casual labor, interstate transportation, charitable or relief work, newspaper carriers, amateur athletes and sports officials, volunteer ski patrols and volunteers in the ACTION Program, personnel under federal permits, owners and operators of certain motor vehicles, and commission-paid real estate agents, foster care providers.	Voluntary as to excepted employments. Covers clients in Vocational Rehabilitation Division. Excepted employer may elect coverage for selves or excepted employees.**
PENNSYLVANIA	Compulsory as to all employments.	Compulsory as to all public employments except elected officials.	Domestic or casual labor, outworker[3], farmer with 1 employee who works less than 20 days a year or earns less than $150 a year.	Voluntary as to casual and domestic service.*
PUERTO RICO	Compulsory as to all employments.	Compulsory as to all salaried public employments.	Casual and domiciliary workers.	Voluntary for sole proprietors and their families when supervising or engaging in manual labor in their business or farm.
RHODE ISLAND	Compulsory as to all employers of 4 or more, and employers in hazardous occupations.	Compulsory as to the state and city of Providence; elective as to cities or towns.	Agriculture, domestic service. Excludes van pooling recipients except driver.	Voluntary as to agriculture, domestic service, and employers or less than 4 employees, except those in hazardous occupations. Excludes employer-sponsored social or athletic activity.
SOUTH CAROLINA	Compulsory as to all employers of 4 or more, including active partners and sole proprietors whose employees are eligible for benefits.	Compulsory as to all public employments* except elective and appointive officials. Coverage extended to members of the State and National Guard.	Casual employees, persons engaged in selling agricultural products, farm labor, railroads, express companies, state and county fair associations, employer with annual payroll under $3,000 and licensed real estate agents who are independent contractors working on straight commission and working for a broker.	Voluntary as to excluded employments.
SOUTH DAKOTA	Compulsory as to all employments. Elective as to employer performing labor incidental to job.	Compulsory as to all public employments, except elected or appointed officials. Firemen covered. Subdivisions of state may elect to cover elected and appointed officials. Students in vocational work program covered as employees of employer.	Farm labor, domestic servants if employed more than 20 hours in any week and more than 6 weeks in any 13-week period, and workfare participants.	Voluntary as to farm labor and domestic service. Compulsory as to operators of farm machinery, e.g., threshers, combines, shellers, cornhuskers.
TENNESSEE	Compulsory as to all employers of 5 or more. Corporate officers may reject. Elective as to partners and sole proprietors.	Voluntary as to state and political subdivisions.	Farm labor, domestic servants, casual employees, employees of interstate common carriers, and voluntary ski patrolmen.	Voluntary as to employers of less than 5.
TEXAS	Elective as to all employments. Farm/ranch operator may elect to cover self, partner, corporate officer or family member.	State provides self-insurance coverage for Highway Dept., University of Texas, Texas A&M University, and all other state employees. Counties, municipalities, and other political subdivisions may provide compensation for their employees.*	Domestic or casual workers engaged in employment incidental to a personal residence, persons covered by a method of compensation established under federal law, migrant workers, seasonal workers employed on a truck farm, orchard, or vineyard or employed by an employer with a payroll under $25,000, and other farm or ranch employees working for an employer with a payroll under $25,000, or employing fewer than 3 workers.	
UTAH	Compulsory as to all employments. Elective as to partners, sole proprietors, and corporate officers and directors.	Compulsory as to all public employments, including community service workers and volunteers.*	Casual employees. Farm employers who employ 5 or fewer persons for 40 hours per week for 13 weeks or less during the year, or employer/owner's family. Domestics who work less than 40 hours per week for a single employer. Real estate salesman or broker.	Voluntary as to farm labor and domestic service.
VERMONT	Compulsory as to all employments. Corporate officers may reject. Elective as to sole proprietors and partners.	Compulsory as to all public employees, including legislators while in session, teachers, police, firemen, town and school employees, other municipal employees entitled to pensions, and road commissioners or selectmen engaged in highway maintenance or construction.*	Casual or domestic employees, amateur athletes, farm labor where employer's payroll is under $2,000 per year.	Exempted farmers and employers of domestics may elect coverage.
VIRGIN ISLANDS	Compulsory as to all employments. Elective as to partners and sole proprietors.	Compulsory as to all public employments.	Casual and domestic employees, and volunteers for charitable organizations.	Voluntary as to exempt employers and employees.
VIRGINIA	Compulsory as to employers of 3 or more and farm employer with more than 2 full-time employees. Elective for partners and sole proprietors. Executive officers may reject for accidental injury only.	Compulsory as to all public employments, except administrative officers and employees elected or appointed for definite terms.* Includes judges of Supreme Court and Circuit Court and judges and clerks of juvenile, domestic relations, and district courts.	Casual employees, horticultural and farm laborers, taxi drivers and domestic servants, employees of steam railroads, employments not in usual course of employer's trade, business, or occupation, and real estate salesmen/associated brokers on commission, under independent contract or who are not treated as employees, for federal income tax purposes.**	Voluntary as to employers of less than 3, farm labor, and domestics. Employer may elect coverage for its independent contractor provided that independent agrees in writing. The independent contractor may have to pay for all or part of that coverage.

NOTE: State courts vary in decisions whether minimum number of persons must be in state.

[1] Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option to either accept or reject the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most states workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other states, such action of the employer must be concurred in by the employees.

[2] Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3] Outworker is person to whom articles are given for cleaning, repair, etc. at home.

N.Y. *Elective as to unsalaried executive officer of not-for-profit unincorporated association or corporation, and as to executive officer of religious, charitable or educational corporation of veterans' organization.

N.D. *General contractor is responsible for securing coverage and paying premiums for his subcontractor until subcontractor has secured and paid his own coverage.

Ore. *Ownership interest not required for certain family farms.
**Prime contractors can become liable for providing coverage for subcontractors and their employees.

Pa. *Employers may be exempted from covering an employee whose religious sect prohibits benefits from insurance provided that the sect makes provisions for its members.

*S.C. Department of Parole and Community Corrections may elect coverage for convicted persons performing community service or participating in a work program.

Texas *Subdivisions may elect to cover officer deemed volunteer firemen, police, and emergency medical personnel.

Utah *Volunteers are eligible only for workers' compensation medical benefits, not indemnity benefits.

Vt. *Municipalities may elect coverage of other employees. Excludes other elected officials, certain judges, sheriffs, and county treasurers and clerks. All state organizations must participate in the state employees' workers compensation fund.

Va. *Governing body of county, city, or town may elect coverage of its members.
**Does not apply to injury received during emergency services activities, unless it results from gross negligence.

CHART II☐ COVERAGE OF LAWS☐ January 1, 1992(continued)

JURISDICTION	EMPLOYMENTS COVERED[1]		EXCEPTIONS[2]	SPECIAL COVERAGE PROVISIONS[1]
	PRIVATE	PUBLIC		
WASHINGTON	Compulsory as to all employments. Elective as to partners, sole proprietors, joint venturers, and corporate officers who are shareholders/directors.	Compulsory as to all public employments.	Domestic servants, voluntary law enforcement officers, Indian tribes or tribal members employed on reservation, home repair and gardening workers, railroad workers, unpaid workers in eleemosynary institutions, children under 18 on a family farm, jockeys, employments not in usual course of employer's business, and interstate truckers.	Covers apprentices registered with Apprenticeship Council. Excludes purchaser of contract musical or entertainment performance.
WEST VIRGINIA	Compulsory as to all employments. Elective as to partners, sole proprietors, and officers of associations and corporations.	Compulsory as to all public employments, including elected officials. Elective for churches.	Domestic workers, farm labor of 5 or fewer, casual employers, and employees working out of state (except temporarily).	Elective as to employers in organized professional sports, including thoroughbred horse racing.
WISCONSIN	Compulsory as to all employments (except farm labor) if payroll is $500 or more in any calendar quarter for services in the state. Compulsory as to farmers with 6 or more employees.	Compulsory as to all employees, including state legislators. Includes certain vocational education students.	Domestic servants and volunteers.	Voluntary as to excluded employments. Elective as to working sole proprietors and partners. Elective for up to two officers of a closely held corporation. Includes participants in community work experience program. Independent contractor is considered employee of any employer for whom he is working, except when the independent meets certain enumerated conditions.
WYOMING	Compulsory as to enumerated "extra-hazardous" industries and occupations conducted for gain. Elective as to corporate officers.	Compulsory as to state, counties, and municipal corporations when engaged in "extrahazardous" work.	Casual employees, individual contractors, private household workers, federal employees, interstate trucking without a fixed base of operations in Wyoming.	Elective as to all non-required industries and occupations. Specific volunteers require coverage.
F.E.C.A.		All civil employees of the U.S. government, including wholly owned instrumentalities, and persons performing activities of civil employees without pay.		
LONGSHORE ACT	Compulsory as to all maritime employment nationwide, including longshoring, harborworking, shipbuilding, or ship repair.	Officers and employees of the U.S. or any state or foreign governments are not covered.	Master or crew of any vessel and persons unloading or repairing vessels of less than 18 tons.* Not applicable to maritime employment in Puerto Rico.**	Act also applies to workers at military bases and public works abroad; welfare and morale service workers for military abroad; and workers for nonappropriated funds (ship's services, PX's, etc.) in U.S. and abroad.
ALBERTA	Compulsory as to all nonexempted employments. Corporate officers are covered*; employer may elect coverage for self. Elective as to partners and sole proprietors.	Compulsory as to provincial employees; most school teachers are exempt.	Employments listed in General Regulations (includes farm labor, domestics, outworkers,[3] financial institutions, religious and charitable institutions, legal services, medical and dental services, athletes, and employees of labor unions).	Voluntary as to excepted employments and corporate directors. Board may include any individual or class by regulation.
BRITISH COLUMBIA	Compulsory as to all employments listed in Part 1. Employer may elect coverage for self.	Compulsory as to all provincial and municipal employees, including members of fire brigade, ambulance staff.	Outworkers,[3] casual labor, performers.	Voluntary as to independent operators, certain members of employer's family and unenumerated employments. Board may include any industry by regulation. Lt. Gov.-in-Council may require coverage of commercial fishing industry.
MANITOBA	Compulsory as to all employments listed in Schedule I. Elective as to directors, employers, or sole proprietors.	Compulsory as to all provincial and municipal employments, except employees of school boards, including teachers.	Farm labor, outworkers,[3] casual labor.	Voluntary as to unenumerated and excepted employments. Lt. Gov.-in-Council may include any industry by regulation.
NEW BRUNSWICK	Compulsory as to all regular employers of 3 or more. Compulsory as to salaried corporate officer or director. Employer may elect coverage for self.	Elective as to public employments.	Outworkers,[3] domestic servants, and persons whose employment is of a casual nature and otherwise than for the purpose of business.*	Voluntary as to excepted employments. Lt. Gov.-in-Council may regulate exclusion of industry in which not more than stated number of workers fixed by regulation are usually employed.
NEWFOUNDLAND	Compulsory as to all employments except as excluded by regulation.	All provincial and federal employees are covered.	Artists, entertainers, circus and trade shows, newsboys, and clergy; employment by a person in respect of a function in private residence of that person; salesmen employed out of province; sports professionals, instructors, players and coaches; volunteers and outworkers.[3]	Commission may accept excluded employer or worker.
NORTHWEST TERRITORIES	Compulsory as to all employments. Elective as to corporate officers.	Compulsory as to territory government.		Commissioner may exempt industry, employer, or worker. Voluntary as to excepted employment.
NOVA SCOTIA	Compulsory as to employments listed in Part I; Board has exempted employers of 2 or fewer. Includes active corporate executives; employer may elect coverage for self.	Elective as to public employments. Firemen and police are excluded. Board may exclude public officials.	Casual labor, outworkers,[3] farm labor, domestic servants. By regulation Board has excluded specific industries, including educational institutions, persons in medical work and dental surgery, veterinarians, athletes, barbers, taxi-cabs, florists, horticultural employment, entertainers, and aviation industry.	Voluntary as to excepted employments. Board may include or exclude any industry, or set numerical exemption, by regulation.
ONTARIO	Compulsory as to all employments listed in Schedules I and II. Corporate officer may elect coverage.	Compulsory as to all provincial and municipal employments.	Outworkers[3] in industries listed in schedules 1 and 2.	Voluntary as to unenumerated and excepted employments.
PRINCE EDWARD ISLAND	Compulsory as to employments listed in Part I. Board has exempted employers with 1 employee. Elective as to corporate officer.	Compulsory except for municipal officers. Municipal firemen and police may be covered on application.	Casual labor, outworkers,[3] farm labor, domestic servants, taxi industry, junk industry employers of 9 or fewer, aviation industry employers of 99 or fewer.	Voluntary as to unenumerated and excepted employments.
QUEBEC	Compulsory as to all employments.	Compulsory as to all provincial and municipal employments.	Domestic servants and outworkers covered upon request. Persons who play sports as main source of income specifically excluded.[3] Also, sole proprietors and corporate officers.	Voluntary as to unenumerated and excepted employments.
SASKATCHEWAN	Compulsory as to all employments. Compulsory for corporate officers and salaried employers.	Compulsory as to all provincial and municipal employments. Municipalities and corporations may elect coverage of mayor and members of governing body.	Farm and ranch labor, domestic servants, outworkers,[3] and school teachers.	Voluntary as to excepted employments. Lt. Gov.-in-Council may exclude any industry, employer, or worker.
YUKON TERRITORY	Compulsory as to all employments.	Compulsory as to territory government.	Casual employees, domestics, outworkers[3]	Voluntary as to excepted employments.
CANADIAN GOVERNMENT EMPLOYEES' ACT		Compulsory as to employees of government departments, Crown corporations, boards, commissions, etc., in Canada and abroad.		Claims are determined by provicial boards. Benefits same as for private employees in same province; worker in territory is deemed employed in Alberta.
CANADIAN MERCHANT SEAMEN'S ACT	Compulsory as to all employees of Canadian registered ships, as defined.		Pilots, apprenticed pilots, and fishermen.	No compensation payable, if entitled under Government Employees' Compensation Act or any provincial act.

[1] Compensation laws are classified as compulsory or elective. A compulsory law requires every employer to accept the act and pay the compensation specified. An elective act is one in which the employer has the option of either accepting or rejecting the act, but if he rejects it he loses the customary common law defenses (risk assumed by employee, negligence of fellow servants, and contributory negligence). In most jurisdictions workers in excepted or excluded employments may be brought under coverage of the act through voluntary action of the employer. In other jurisdictions, such action of the employer must be concurred in by the employees.

[2] Applying to private employments only. The exceptions for public employments are given under "Employments Covered—Public."

[3] Outworker is person to whom articles are given for cleaning, repair, etc., at home.

Longshore *Also excluded to extent covered by state law are: office, clerical, secretarial, security or data processing employees; club, camp, recreational operation, restaurant, museum or retail outlet employees; marina employees not engaged in construction, replacement or expansion; persons temporarily on premises not doing work normally performed by employer; aquaculture workers; builders, repairers or dismantlers of recreational vessels under 65 feet in length; and master or crew member of any vessel.

**By decisional law: Garcia v. Friesecke, 597 F.2d 284 (1st Cir.), *cert. denied*, 444 U.S. 940 (1979).

Alta. *Corporate director may elect coverage.

N.B. *By regulation also excludes fishing industry, except for undertakings in which 25 or more workers are at the same time usually employed.

CHART III

COVERAGE OF MINORS

January 1, 1992

JURISDICTION	COVERED	FUTURE EARNING CAPACITY	ILLEGAL EMPLOYMENT	SPECIAL BENEFIT PROVISIONS
ALABAMA	Yes		Double compensation	Settlement valid.
ALASKA	Yes	Considered		
AMERICAN SAMOA	Yes	Considered		Guardian may be required.
ARIZONA	Yes	Considered	50% additional compensation'	Lump sum payable to guardian.
ARKANSAS	Yes		Double compensation*	
CALIFORNIA	Yes	Considered	50% additional compensation'	Settlement valid until claimed by parent or guardian.
COLORADO	Yes		(*)	
CONNECTICUT	Yes	Considered		If under 18, 50% additional compensation for scheduled injury. If under 16, 100% added. Guardian may be required.
DELAWARE	Yes			
DISTRICT OF COLUMBIA	Yes	Considered		
FLORIDA	Yes	Considered	(*)	Guardian may be required.
GEORGIA	Yes			Board may appoint special guardian where no general guardian has been appointed.
GUAM	Yes	Considered		Guardian may be required.
HAWAII	Yes	Considered*		When an exceptional child is employed as part of his education, for purposes of workers compensation, the state is considered the child's employer.
IDAHO	Yes	Considered*		Lump sum under probate jurisdiction.**
ILLINOIS	Yes		If under 16, 50% additional compensation	Minor may elect suit for damages.
INDIANA	Yes		If under 16, double compensation'	If over $100, payable to guardian.
IOWA	Yes	Considered if apprentice or trainee.		Settlement valid.
KANSAS	Yes			Payments to minor, guardian, or conservator.
KENTUCKY	Yes	Considered		Lump sum payable to guardian.
LOUISIANA	Yes*			
MAINE	Yes		(*)	
MARYLAND	Yes	Considered	Double compensation, discretionary'	Covers handicapped students who work without pay as part of their education.
MASSACHUSETTS	Yes	Considered	Double compensation'	If guardian required, insurer must pay expenses.
MICHIGAN	Yes		If under 18, double compensation*	
MINNESOTA	Yes			Entitled to maximum benefits if permanent partial disability. Guardian may be required.
MISSISSIPPI	Yes		Double compensation*	Guardian may be required.
MISSOURI	Yes	Considered	50% additional compensation	Same as adults. Guardian may be required.
MONTANA	Yes			
NEBRASKA	Yes		Same as adults	
NEVADA	Yes		Up to $500 per offense.*	
NEW HAMPSHIRE	Yes	Considered	Illegally employed, double compensation	
NEW JERSEY	Yes*		Under 14, or between 14-18 without permit, double compensation.** Minor may elect suit for damages.	Guardian required.
NEW MEXICO	Yes			
NEW YORK	Yes	Considered	If under 18, double compensation'	Applies to second injuries, rehabilitation, and reopened cases.
NORTH CAROLINA	Yes	Considered*		Permanent disability payments over $500 payable to guardian*.
NORTH DAKOTA	Yes			Lump sum payable to guardian.
OHIO	Yes	Considered	Double compensation	Lump sum payable to guardian.
OKLAHOMA	Yes	Considered	Excluded	
OREGON	Yes		25% (maximum $500) to Insurance & Finance Fund	Lump sum payable to guardian.
PENNSYLVANIA	Yes		Violation of child labor law—50% additional compensation'	
PUERTO RICO	Yes		If under 18, double compensation	
RHODE ISLAND	Yes		Triple compensation	
SOUTH CAROLINA	Yes			Not more than $10,000 payable to father, mother, or natural guardian; more than $10,000 payable to person or corporation appointed by a probate court.
SOUTH DAKOTA	Yes			
TENNESSEE	Yes			If over $250, payable to guardian.
TEXAS	Yes	Considered*		Payable to guardian.
UTAH	Yes	Considered		Lump sum payable to guardian.
VERMONT	Yes			
VIRGIN ISLANDS	Yes		30% additional compensation'	
VIRGINIA	Yes			If over $300, payable to guardian.
WASHINGTON	Yes		50% to state fund*	If over $750, lump sum payable under probate jurisdiction.
WEST VIRGINIA	Yes		Same as adults	
WISCONSIN	Yes	Considered	Double or tripled*	Guardian may be required.
WYOMING	Yes			
F.E.C.A.	Yes	Considered		
LONGSHORE ACT	Yes	Considered		
ALBERTA	Yes	Considered		Paid as Board deems best.
BRITISH COLUMBIA	Yes	Considered		Paid as Board deems best.
MANITOBA	Yes	Considered		Paid as Board deems best.
NEW BRUNSWICK	Yes	Considered		Paid as Board deems best.
NEWFOUNDLAND	Yes	Considered	Death benefit to parent may be withheld	Paid as Commission deems best.
NORTHWEST TERRITORIES	Yes	Considered		Paid as Board deems best.
NOVA SCOTIA	Yes	Considered	If under 14, death benefit to parent may be withheld	Paid as Board deems best.
ONTARIO	Yes	Considered	(*)	Paid as Board deems best.
PRINCE EDWARD ISLAND	Yes	Considered	(*)	Paid as Board deems best.
QUEBEC	Yes	Considered		Paid as required by law.
SASKATCHEWAN	Yes	Considered		Paid as Board deems best.
YUKON TERRITORY	Yes	Considered		Paid as Commissioner deems best.
CANADIAN MERCHANT SEAMEN'S ACT	Yes			Paid as Board deems best.

Employer may not insure additional amount of compensation.

Ark. * Unless minor misrepresents age in writing to employer.

Colo. * Permanent disability and death benefits paid at maximum rate payable at time of death or determination of permanent disability.

Fla. *Violation of Child Labor Law subject to up to double compensation based on J.C.C.'s findings.

Hawaii *Permanent total disability and death benefits based on AWW employee would have received at age 25.

Idaho * Adult wages for all scheduled injuries.
**If any public school student is working as part of his instruction, he need not be earning any wages for workers compensation purposes and is covered under the school district's policy.

Ind. *Student in vocational education program treated as worker age 17 and not entitled to double compensation.

La. *Compulsory coverage for minors between 12 and 18 engaged in street trade.

Me. **Fanion v. Philip McNeal*, 577 A.2d 2 (Me. 1990) held that an illegally employed minor is still within the statutory definition of an employee.

Mich. *Except in case of fraudulent use of permits or age certificates.

Miss. *Employer may not insure additional amount of compensation. Students 14 and over employed between semesters or on on-the-job training, and junior auxiliary firemen, are excepted.

Nev. *Employer guilty of misdemeanor.

N.J. *Does not apply if working under certificate.

**Employer may not insure additional amount of compensation. Students age 14 and over employer between semesters or on on-the-job training, and junior auxiliary firemen, are excepted.

N.C. *Compensation for permanent disability or death with surviving dependents is based on AWW paid an adult employee in a position to which a minor employee would likely be promoted; if no position exists, then the minor is entitled to the maximum benefit. In temporary disability and no-dependency death cases, compensation may be increased in proportion to expected earnings where total disability extends over 52 weeks.

Texas *Considered only if minor's wages are limited because of apprenticeship, continuing formal training, or education intended to enhance future wages and those wages would reasonably be expected to change. Future earnings more than 3 years after the date of injury cannot be considered.

Wash. *Imposed only if minor is below minimum age for employment or working without permit.

Wis. *Doubles for minor of permit age employed without a permit. Maximum $7,500; tripled where such minor was employed in prohibited work, or in the cases of minor under permit age and illegally employed. Maximum $15,000. Additional compensation payable by employer. Minors given contractual power under the Act. Employer misled by fraudulent written evidence of age by minor, extra compensation paid into special children's death benefit fund.

Ont. *Employer may be held individually liable.

P.E.I. *Employer may be held individually liable.

CHART IV COVERAGE OF OCCUPATIONAL DISEASES January 1, 1992

JURISDICTION	NATURE OF COVERAGE[1]	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION[2]
ALABAMA	All diseases		Death—within 3 years after last exposure or last payment. Radiation or occupational pneumoconiosis*—exposure must occur in at least 12 months over 5 years prior to last exposure.	Disability—within 2 years after last exposure or last payment (radiation—within 2 years and claimant knows/should know relation to employment). Death—within 2 years after death or last payment. Coalminer's pneumoconiosis—within 3 years after total disability or death and claimant knows/should know relation to employment.		Unlimited	Same as for accidents. Coalminer's pneumoconiosis—total disability or death compensated same as Federal Black Lung Act. Firefighters are covered for impairments caused by hypertension, heart disease, respiratory disease and cancer, provided that during employment they were exposed to a known carcinogen.
ALASKA	All diseases			2 years after knowledge of relation to employment. Within 1 year after death.		Unlimited	Same as for accidents
AMERICAN SAMOA	All diseases	Claimant examined by physician selected by Commissioner.		Within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents
ARIZONA	All diseases*	Board of 3 medical consultants may be appointed by Commission. Report is prima facie evidence of facts.	Silicosis or abestosis—employer liable only if exposure during 2 years.	Within 1 year after disability of accrual of right; excusable.**	Disability payments	Unlimited	Same as for accidents
ARKANSAS	All diseases		Disability or death—within 1 year after last exposure (3 years for silicosis or asbestosis), or 7 years for death following continuous disability.* Does not apply to radiation. Silicosis or asbestosis presumed nonoccupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer).	Disability—within 2 years after last exposure (silicosis or asbestosis—within 1 year from disablement; radiation—within 2 years from diagnosis). Death—within 2 years.		Unlimited	Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated, or in any way contributed to by an occupational disease, the compensation payable shall be reduced and limited to the proportion of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as the occupational disease, as a causative factor, bears to all the causes of the disability or death.
CALIFORNIA	All diseases*			Disability—within 1 year from injury or last payment. Death—within 1 year after death (for death within 1 year after injury); 1 year after last medical payment; or 1 year after death if compensation paid; no proceedings more than 240 weeks after injury except for claims based on asbestos exposure.**		Unlimited	Same as for accidents
COLORADO	All diseases*	Committee of 3 physicians reviews care or services for necessity and appropriateness, on request of a party.	Disability—within 5 years after injury (no limit for radiation, asbestosis, silicosis, or anthracosis). Silicosis or asbestosis—employer liable only if exposure lasts 60 days.	Within 2 years after disability or death (3 years in case of ionizing radiation, asbestosis, silicosis, or anthracosis or if reasonable excuse).		Unlimited	Same as for accidents
CONNECTICUT	All diseases	Panel of 3 physicians may be appointed by Commissioner to resolve medical issues involving lung disease.		Within 3 years after first manifestation of disease (within 2 years if death occurs within 2 years after first manifestation of disease, or 1 year after death, whichever is later).		Unlimited	AWW is calculated as of date of total or partial incapacity to work. If disease shows up when claimant has not worked during preceding 26 weeks, his AWW is equal to the SAWW for the preceding 26 weeks or to his AWW during the last 26 weeks worked, whichever is greater.
DELAWARE	All diseases			Disability or death—within 1 year after claimant knows relation to employment.		Unlimited	Same as for accidents
DISTRICT OF COLUMBIA	All diseases			Within 1 year after injury, death, last payment, or knowledge of relation to employment.		Unlimited	Same as for accidents
FLORIDA	All diseases		Death—following continuous disability and within 350 weeks after last exposure. Employer liable for dust disease only if exposure lasts 60 days.	Within 2 years after disablement, death, or last payment.		Unlimited	Same as for accidents

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[1] Employer and insurance carrier at time of last exposure are liable in Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Minnesota, New Hampshire, North Carolina, Oklahoma, Tennessee, Vermont, and Virginia. The employer at time of last exposure is liable in Alabama, Arizona, Iowa, Michigan, Missouri, Montana, New Mexico, Pennsylvania, South Dakota, Texas, and Utah. Liability is apportioned among responsible employers in New York and Rhode Island. California limits liability to employer during last year of exposure.

[2] Benefits determined as of the date of last exposure or last injurious exposure in Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, New Jersey, South Dakota, Texas, Washington, Wisconsin, and Wyoming. Benefits determined as of the date of disability, knowledge, or manifestation in Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Iowa, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, and West Virginia.

Ala. *Radiation illness caused by gradual exposure.

Ariz. *HIV infection is covered if employee handles body fluids, excluding tears, saliva and perspiration. Specifically excludes sexual activity and illegal drug use as cause of infection.
**Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

Calif. *Peace officers, including firefighters, who develop cancer during service are eligible for benefit if they can demonstrate that they were exposed to a known carcinogen during employment. Disabling psychiatric injury is compensable if at least 10% was caused by employment.
**Date of injury is date of disability and claimant knows/should know relation to employment.

Colo. *Supreme Court held that employees may be entitled to benefits for job-related mental or emotional stress. *City of Boulder V. Streeb, 706 P.2d 786 (1985).*

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1992 (continued)

JURISDICTION	NATURE OF COVERAGE'	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION'
GEORGIA	All disease	Independent medical exam by physician chosen by agreement of parties or appointment of the Board	Within one year of date when employee knew or should have known of existence of an occupational disease but in no event more than seven (7) years after last injurious exposure	Within one year of date when employee knew or should have known of existence of an occupational disease but in no event more than seven (7) years after last injurious exposure	Disability payments	Unlimited	Same as for accidents
GUAM	All disease			Within 1 year after injury, death, or last payment		Unlimited	Same as for accidents
HAWAII	All disease			Within 2 years after claimant knows relation to employment		Unlimited	Same as for accidents
IDAHO	All diseases*		Within 1 year after last exposure (4 years for silicosis, 7 years for death following continuous disability). Employer liable for nonacute disease only if exposure lasts 60 days. Silicosis—exposure must occur in 5 years during 10 years prior to disablement (last 2 in-state unless same employer)	Within 1 year after manifestation or death. Silicosis—within 4 years after last exposure. Radiation or unusual disease—within 1 year after incapacity, disability, or death and claimant knows/should know relation to employment.	Disability payments	Unlimited	Same as for accidents. Silicosis—partial disability noncompensable**
ILLINOIS	All diseases		Disability—within 2 years after last exposure (3 years for beryliosis or silicosis, 25 years for asbestosis or radiation)	Disability—within 3 years after disablement or 2 years after last payment. Death—within 3 years after death or last payment. Coalminer's pneumoconiosis—within 5 years after last exposure or last payment. Radiation or asbestosis—within 25 years after last exposure.	Disability payments but with minimum compensation	Unlimited	Same as for accidents
INDIANA	All diseases		Disablement—within 2 years after last exposure (3 years if caused by coal or silica dust. 35 years if caused by asbestos*); radiation—within 2 years after claimant knows/should know relation to employment. Death—within 2 years after disablement or during pendency of disability claim filed within that period; within 2 years after fixed disability expires but no later than 300 weeks after disablement. Employer liable for silicosis or asbestosis only if exposure lasts 60 days	Within 2 years after disablement or death	Disability payments	Unlimited	Same as for accidents
IOWA	All diseases	Medical Board may decide controverted medical questions or provide medical examinations for certain employees	Disability or death—within 1 year after last exposure (3 years for pneumoconiosis. 7 years for death following continuous disability). Pneumoconiosis presumed nonoccupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state)	Within 2 years after death or disablement or 3 years after last payment.* Radiation—within 90 days after disablement or death and claimant knows/should know relation to employment.	Same as for accidents	Unlimited	Same as for accidents. Pneumoconiosis—partial disability less than 33-1/3% is noncompensable**
KANSAS	All diseases		Disability or death—within 1 year after last exposure (3 years for death from silicosis. 7 years for death following continuous disability). Does not apply to radiation. Silicosis presumed nonoccupational absent exposure in 5 years over 10 years prior to disability (2 of 5 years in-state unless same employer); employer liable only if exposure lasts 60 days	Within 1 year after disablement, death, or last payment (2 years after last payment in case of silicosis). Radiation—within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents*
KENTUCKY	All diseases*			Disability—within 3 years after last exposure or first manifestation. Death—within 3 years, if it occurs within 3 years after last exposure or first manifestation. Limit waived where voluntary payment or employer knows of disease and cause. No claim more than 5 years after last exposure (20 years in case of radiation or asbestos-related disease)		Unlimited	Same as for accidents. Where disablement occurs after 5 years' exposure or results from silicosis or pneumoconiosis, apportioned between employer and Special Fund: Fund pays 75% of cost if not conclusively proven to result from last exposure, otherwise pays 40%. Employer pays balance
LOUISIANA	All diseases		Diseases contracted in less than 1 year presumed to be nonoccupational. Presumption is rebuttable by "overwhelming preponderance of evidence."*	Disability—within 6 months after manifestation, occurrence of disability, or worker knows/should know relation to employment. Death—within 6 months, or within 6 months after worker knows/should know relation to employment.	Same as for accidents	Unlimited	Same as for accidents
MAINE	All diseases*		Incapacity—within 3 years after last exposure (does not apply to asbestos-related disease). Employer liable only if exposure lasts 60 days (except for radiation and asbestos-related disease). Silicosis presumed nonoccupational absent in-state exposure in 2 years during 15 years preceding disability (part of exposure may be out of state if same employer).*	Within 2 years after incapacity or 1 year after death or last payment (40 years after last payment for asbestos-related disease).** If mistake of fact, within reasonable time but no later than 10 years after last payment. Radiation—limit runs from date of incapacity and claimant knows/should know relation to employment.	Disability payments	Unlimited	Same as for accidents

Ga. *Byssinosis claims diagnosed before July 1, 1983, must be filed before July 1, 1984
**Year is 200 days exposure over 12 months

Idaho *AIDS, ARC, HIV infections and Hepatitis B virus are covered for any occupation with exposure to body fluids
**Silicosis—worker who is affected but not disabled may waive full compensation and, if later disabled, receive benefits up to $5,000

Ind. *20 years if last asbestos dust exposure occurs on or after 7/1/85, 3 years if last exposure occurred before 7/1/85

Iowa *Death from respiratory disease of coalminer employed 10 years presumed due to pneumoconiosis
**Effective 7/1/84, 33% threshold requirement repealed; benefits now payable are prospective only

Kan. *Worker who is affected but not disabled may waive full compensation and if later disabled receive benefits up to 100 weeks

Ky. *Black lung claimant must file under state and federal law
**Applies to asbestos-related disease claims filed on or after 7/15/86

La. *Mental injury, heart-related and perivascular diseases are not occupational diseases but under certain circumstances are compensable under workers compensation

Me. *Asbestos-related diseases not covered by Maine Act if at time of last injurious exposure the employee was covered by Federal Longshore Act or FELA
**Claim for asbestos-related disease contracted between 11/30/67 and 10/1/83 must be filed by 1/1/85

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1992 (continued)

JURISDICTION	NATURE OF COVERAGE[1]	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION[2]
MARYLAND	All diseases*			Any action for damages from occupational disease—within 3 years of discovery that occupational disease was cause of illness or death, but not later than 10 years.		Unlimited	Same as for accidents
MASSACHUSETTS	All diseases			Within 1 year after injury, or death; excusable.	Disability payments	Unlimited	Same as for accidents
MICHIGAN	All diseases			Within 2 years after claimant knows/should know relation to employment		Unlimited	Same as for accidents*
MINNESOTA	All diseases*			Within 3 years after employee's knowledge of cause of injury and disability.		Unlimited	Same as for accidents. Non-disabled claimants eligible for medical benefits. Supplemental benefits may be payable after 4 years from date of injury.
MISSISSIPPI	All diseases			Within 2 years after injury* or death.	Same as for accidents	Unlimited	Same as for accidents
MISSOURI	All diseases		Last employer liable regardless of length of time of last exposure.	Within 2 years after injury, death, or last payment (3 years if no injury report filed); limitation runs from date injury is reasonably apparent.	Disability payments	Unlimited	Same as for accidents
MONTANA	All diseases	Examinations made by 1 or more members of the occupational disease panel.	The employer liable shall be the employer whose employment the employee was last injurious exposed to the hazard of such disease.	Within 2 years after disability and claimant knows/should know relation to employment; may be extended 2 more years.* For death benefits, within one year from the date the beneficiary knew or should have known the decedents death was related to an occupational disease; however, the time limit may be expended for two more years.	Disability payments which were over payments to a worker prior to his death, or compensation paid in a lump sum but yet not recovered under future benefits prior to death.	Unlimited	Same as for accidents, excluding partial disability. Worker who is affected but not disabled may leave job and receive compensation up to $10,000. Pneumoconiosis benefits reduced by amount payable under federal law. Silicosis victims or beneficiaries not qualifying for occupational disease benefits may receive up to $200 monthly; supplement is resource indemnity trust financed.**
NEBRASKA	All diseases			Within 2 years after knew/should have known of injury and relation to employment.		Unlimited	Same as for accidents
NEVADA	All diseases	Medical review board selected by director; findings conclusive.	Silicosis or respiratory dust disease is noncompensable absent in-state exposure in 3 years during 10 years preceding disability or death.	Within 90 days after knowledge of disability and relation to employment or 1 year after death. Silicosis or respiratory dust disease—within 1 year after temporary or total disability or death.*		Unlimited	Same as for accidents
NEW HAMPSHIRE	All diseases			Within 2 years after injury or death and claimant knows/should know of injury and relation to employment.*	Disability payments	Unlimited	Same as for accidents
NEW JERSEY	All diseases			Within 2 years after claimant knows relation to employment or last payment.		Unlimited	Same as for accidents
NEW MEXICO	All diseases*					Unlimited	Same as for accidents
NEW YORK	All diseases			Within 2 years after disablement or death, or two years after claimant knows/should know relation to employment.		Unlimited	Same as for accidents*
NORTH CAROLINA	All diseases	Commission appoints 3-member advisory board for silicosis or asbestosis cases; although the Commission may designate a qualified physician to examine claimant.	Death within 2 years after injury; if totally disabled 6 years after injury or 2 years after final determination. Asbestosis—disability or death within 10 years after last exposure; for death following continuous disability, disability must occur within 10 years after last exposure.* Lead poisoning—disability or death within 2 years after last exposure; for death following continuous disability, disability must occur within 2 years after last exposure.	Within 2 years after final determination of disability or within 6 years after death from occupational disease.		Unlimited	Same as for accidents**
NORTH DAKOTA	All diseases*		Death—within 1 year after injury if no disability, or 1 year after cessation of disability, or 6 years after injury if disability is continuous.**	Within 1 year after injury; within 2 years after death (2 years after injury if no claim prior to death).**		Unlimited	Same as for accidents***

Md. *Disease or injury compensable under federal law (other than Social Security Disability Insurance) is not compensable.

Mich. *Silicosis, dust disease, and logging industry fund reimburses compensation over $25,000 or 104 weeks, whichever is greater for injury after 6/30/85; also reimburses benefits in cases of exposure to brominated biphenyl before 7/24/79 and where disability or death occurs/becomes known after 7/24/79.

Minn. *Employer and insurer during last significant exposure liable.

Miss. *For radiation, date of disablement is date of injury.

Mont. *Claimant who is discharged or transferred or ceases employment when it is inadvisable on account of a non-disabling occupational disease to continue employment, may be entitled to amount not exceeding $10,000.
**A representative may apply for and receive silicosis payments on behalf of an eligible person or his beneficiary.

Nev. *If claimant worked as a policeman or fireman for 5 continuous years and subsequently develops heart or lung disease, it is presumed to have arisen out of employment.

N.H. *Date of injury is last date of exposure or first date worker knows/should know relation to employment.

N.M. *Occupational Disease Disablement Law applies to employers of 3 or more but excepts employers of ranching and agricultural laborers and domestic servants.

N.Y. *Disability or death due to silicosis or dust disease reimbursed from special fund for all payments over 104 weeks.

N.C. *Asbestosis or silicosis is noncompensable absent in-state exposure in 2 years during 10 years preceding last exposure or if exposure is less than 30 working days in 7 consecutive months.
**Worker who is affected but not disabled by asbestosis or silicosis or who is removed from exposure receives benefits up to $80 weekly for 104 weeks. If later totally disabled, full compensation is paid. If death results within 2 years after last exposure (350) weeks if caused by secondary infection), full compensation is paid. If partially disabled, 66-2/3% of wage loss is paid for another 196 weeks. If unrelated death, balance of 104 weeks is paid plus 300 weeks (total disability) or percentage of 196 weeks (partial disability). Worker may waive full compensation and receive 104 weeks of compensation plus 100 more weeks if later disabled or dies.

N.D. *In order to be compensable, injuries due to heart attack, stroke and mental injury must be causally related to employment and with reasonable medical certainty must have been precipitated by unusual stress.
**Date of injury is date on which a reasonable person knows/should know relation to employment.
***Police and fire personnel who are paid and full-time are eligible for workers compensation if cancer, lung or heart disease develop.

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1992 (continued)

JURISDICTION	NATURE OF COVERAGE[1]	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION[2]
OHIO	All diseases	Medical specialist in specific cases; findings advisory.		Within 2 years after disability or death or within 6 months after diagnosis (whichever is later).		Unlimited	Same as for accidents. No partial disability for respiratory dust disease.*
OKLAHOMA	All diseases			Within 2 years after last exposure or manifestation and diagnosis by a physician.		Unlimited	Same as for accidents*
OREGON	All diseases*	Medical arbiter or panel to review impairment rating reconsideration requests.		Within one year of worker's discovery of disease, after disablement, or physician informs claimant of the disease.		Unlimited	Same as for accidents
PENNSYLVANIA	All diseases	Examination by impartial physician may be ordered.	Within 300 weeks after last exposure (except death following disability that occurs within 300 weeks after last exposure). Silicosis, anthracosilicosis, or coalminer's pneumoconiosis—noncompensable absent in-state exposure in 2 years during 10 years preceding disability.*	Within 3 years after disablement, death, or last payment. Radiation—within 3 years after the employee knows/should know relation to employment.		Unlimited	Same as for accidents*
PUERTO RICO	All diseases		Disability—within 1 year after last exposure, except diseases with longer latency periods.	Within 3 years from time employee learns nature of disability and relation to work or could have learned through reasonable diligence.		Unlimited	Same as for accidents
RHODE ISLAND	All diseases	Director of Workers' Compensation appoints one or more impartial physicians; any commissioner can appoint impartial examiner.	Disability date determined by the Department or by the Court.	Within 3 years from date of discovery. Radiation—within 1 year after claimant knows/should know relation to employment.		Unlimited	Same as for accidents
SOUTH CAROLINA	All diseases	Medical board determines controverted medical questions; pulmonary cases may be referred to pulmonary specialist of state medical universities.	Disease must be contracted within 1 year after last exposure (2 years for pulmonary dust disease), except radiation. Byssinosis is noncompensable absent exposure for 7 years.	Within 2 years after definitive diagnosis or 2 years after death. Radiation—limitation runs from date of disability and claimant knows/should know relation to employment.	Disability payments	Unlimited	Same as for accidents. Worker who is affected but not disabled may waive compensation (except radiation).
SOUTH DAKOTA	All diseases	Division may contract with physicians for reports.	Silicosis—noncompensable absent in-state exposure in 2 years (in-state requirement waived if same employer); employer liable only if exposure lasts 60 days.	Within 2 years after disability or death. Radiation—within 1 year after disability and claimant knows relation to employment.	Disability payments	Unlimited	Same as for accidents. No permanent partial disability for silicosis.*
TENNESSEE	All diseases			Within 1 year after incapacity or death.	Same as for accidents	Unlimited	Same as for accidents. Coalminer's pneumoconiosis—same as federal Black Lung Act.
TEXAS	All diseases*	Provides for medical committee to pass on controverted questions and with power to order examinations.		Within 1 year after the employee knew or should have known that the disease was related to employment.		Same as for accidents	Same as for accidents
UTAH	All diseases	Commission appoints medical panel of 1 or more to report on extent of disability.	Notification must be given to the employer, or the industrial commission within 180 days after the cause of the action arises. Cause of action is considered to arise on the date the employee knew that the occupational disease was caused by employment.	Within 6 years after cause of action arose but not more than 1 year after death.	Disability payments	Unlimited	Same as for accidents*
VERMONT	All diseases		Disablement—within 5 years after last exposure. Death—during employment or after continuous disability beginning within 5 years after last exposure, but no later than 12 years after last exposure. Does not apply to radiation.	Within 1 year after discovery, death, or last payment. Radiation—within 1 year after first incapacity and worker knew/should have known relation to employment.		Unlimited	Same as for accidents. Affected but nondisabled worker may waive full compensation and later receive limited compensation.
VIRGIN ISLANDS	All diseases			Within 60 days after disability.		Same as for accidents	Same as for accidents
VIRGINIA	All occupational diseases and some ordinary diseases of life under unusual evidentiary standards of proof.		Exposure in 90 workshifts conclusive as to injurious exposure only for pneumoconiosis.	Within 2 years after diagnosis is first communicated to worker, or within 5 years after last exposure, whichever is first.* Within 3 years after death occurring within periods for disability.	Disability payments	Unlimited	Same as for accidents.** Worker who is affected but not disabled may waive compensation.
WASHINGTON	All diseases			Within 2 years after employee receives written notice by physician.		Unlimited	Same as for accidents

Ohio *Includes asbestosis, silicosis, and coalminer's pneumoconiosis. Worker who is affected but not disabled by respiratory dust disease and changes occupation, may receive 50% of SAWW weekly for 30 weeks and immediately following expiration of that award, claimant may receive 66-2/3% of wages lost from change of occupation for 100 weeks, but may not exceed 50% of SAWW.

Okla. *Worker who is affected but not disabled by silicois or asbestosis may waive compensation for aggravation of disease and, if later disabled, receive benefits for 100 weeks up to $2,000.

Oregon *Condition must be established by medical evidence supported by objective findings, and must be the major contributing cause of the consequential condition.

Pa. *Under Occupational Disease Act, state pays $125 monthly for total disability or death caused by silicosis, anthracosilicosis, coalminer's pneumoconiosis, or asbestosis, provided there has been 2 years of in-state exposure, in cases where the claim is barred by the statute of limitations and the last exposure occurred before 1965 or where exposure occurred under several employers.

S.D. *Worker who is affected by silicosis but not disabled may waive full compensation and if later disabled or dies receive benefits up to 52 times the maximum weekly benefit; if leaves employment, may receive compensation up to $1,000.

Texas *Heart attacks covered if medical evidence shows that cause was work-related and not triggered solely by emotional or mental stress, absent a sudden stimulus.

Utah *Worker with permanent partial disability who must change occupation may receive up to $1,000 for vocational rehabilitation and retraining, plus compensation of 66-2/3% of average weekly wages up to 66-2/3% of SAWW for up to 20 weeks, then additional compensation (cumulative total may not exceed $2,080).

Va. *5-year limitation does not apply to cataract of the eyes, skin cancer, radium disability, ulceration, undulent fever, angiosarcoma of the liver due to vinyl chloride exposure, or mesothelioma; byssinosis—within 7 years after last exposure; coalminer's pneumoconiosis—within 3 years after diagnosis; asbestosis—within 2 years after diagnosis or if based on changed condition, within 2 years after diagnosis of advanced stage. No claim for an advanced stage of asbestosis shall be denied on the ground that there has been no subsequent accident. Claimant must file claim within 2 years after positive identification of infection with human immunodeficiency virus.

**Compensation for advanced asbestosis or mesothelioma based on wages at a time of diagnosis if employed in same employment where injurious exposure occurred; otherwise based on average weekly wage of worker in similar employment.

CHART IV ☐ COVERAGE OF OCCUPATIONAL DISEASES ☐ January 1, 1992 (continued)

JURISDICTION	NATURE OF COVERAGE[1]	MEDICAL BOARDS	ONSET OF DISABILITY OR DEATH	TIME LIMIT ON CLAIM FILING	DEDUCTIONS FROM DEATH AWARDS	MEDICAL CARE	COMPENSATION[1]
WEST VIRGINIA	All diseases	Occupational Pneumoconiosis Board appointed by Commissioner determines medical questions.	Occupational pneumoconiosis is noncompensable absent 2 years continuous exposure in 10 years before last exposure or 5 years cumulative exposure within 15 years before date of last exposure.	Within 3 years after knowledge or last exposure. Within 2 years after death.		Unlimited	Same as for accidents*
WISCONSIN	All diseases	May appoint independent medical expert in doubtful cases.	Disability date is last day of work for last employer whose employment caused disability.	Unlimited. After 12 years claim may be filed with state fund.		Unlimited	Same as for accidents
WYOMING	All diseases	Yes		Within 1 year after diagnosis or 3 years after exposure, whichever is last. Radiation—within 1 year after diagnosis or death.	Disability payments	Unlimited	Same as for accidents
F.E.C.A.	All diseases			Within 3 years after injury, death, or disability and claimant knows/should know relation to employment; excusable		Unlimited	Same as for accidents
LONGSHORE ACT	All diseases			Within 2 years after knowledge of relation to employment or 1 year after last payment.		Unlimited	Same as for accidents*
ALBERTA	All diseases	Referred to external specialist.		Within 1 year after injury or death; excusable.		Unlimited	Same as for accidents
BRITISH COLUMBIA	All diseases in schedule or otherwise recognized under Act.*	An appeal is available to a Medical review panel which issues final decision on disputed medical questions.		Within 1 year after injury, death or disablement by disease; excusable within.**		Unlimited	Same as for injuries
MANITOBA	Occupational diseases, excluding ordinary diseases of life and stress, other than an acute reaction to a traumatic event.	Medical Review Panel reports on medical questions.		Within one year after injury or death; may be enlarged.		Unlimited	Same as for accidents
NEW BRUNSWICK	All defined industrial diseases			Within 1 year after injury or 6 months after death		Unlimited	Same as for accidents
NEWFOUNDLAND	All diseases	Committee of medical referees appointed by Commission.	Date of disability is considered to be date of injury.	Within 6 months after injury, disablement, or death		Unlimited	Same as for accidents
NORTHWEST TERRITORIES	All diseases	Board may require examination by impartial physician.	Date of accident is deemed to be date of the disablement.	Disability—within 1 year after injury; excusable. Death—within 3 years after last employment and within 3 years after death.		Unlimited	Same as for accidents
NOVA SCOTIA	All diseases	Board may appoint medical board to advise on silicosis and coal miner's pneumoconiosis cases.	Disablement or death within 1 year after last employment (no limit for radiation)	Within 6 months after injury or death. Silicosis or coal miner's pneumoconiosis—within 5 years after last employment and within 1 year after discovery of relation to employment; excusable but paid only from filing date.		Unlimited	Same as for accidents
ONTARIO	All diseases	Industrial Disease Standards Panel*		Within 6 months after injury or death; excusable		Unlimited	Same as for accidents
PRINCE EDWARD ISLAND	All industrial diseases		Disablement within 1 year after last exposure	Within 6 months after injury or death		Unlimited	Same as for accidents
QUEBEC	All diseases*	All pulmonary diseases are submitted to Committee on Occupational Lung Diseases**		Within 6 months after worker, or beneficiary in case of death, is made aware of disease.		Unlimited	Same as for accidents
SASKATCHEWAN	All industrial diseases	Medical panel issues final decision on disputed medical questions.		Within 6 months after injury or death		Unlimited	Same as for other injury
YUKON TERRITORY	All diseases	Disputes may be referred to 1 practitioner for decision.		Within 1 year after injury or death; excusable on death of worker from disease by a dependent within 2 years of the day on which the worker was last exposed.		Unlimited	Same as for accidents
CANADIAN MERCHANT SEAMEN'S ACT	All diseases	Disablement in the course of employment "otherwise than as a result of an accident" is compensated as for an accident.					

W.V. *Pneumoconiosis benefits paid from Coal-Workers' Pneumoconiosis Fund.

Longshore *In permanent partial disability claims due to occupational disease where times of injury occurs after retirement, compensation is 66-2/3 of average weekly wage times percentage of permanent impairment (according to AMA guidelines) payable while impairment continues.

B.C. *Certain illnesses are presumed caused by work exposure as provided in schedule.
**After 3 years, compensation is payable only from date of filing.

Ont. *Panel reports to the Minister of Labour. Panel reviews and makes recommendations regarding compensation policies for occupational disease, which may be accepted or rejected by the W.C. Board.

Quebec *Cerain diseases are presumed caused by work exposure as provided in Schedule.
**Committee formed by Minister of Labour.

Yukon **Within 3 years after accident in just case if proof is filed with Commissioner.

CHART V

OCCUPATIONAL HEARING LOSS

January 1, 1992

JURISDICTION	SEPARATION FROM NOISE BEFORE FILING	MINIMUM EXPOSURE IN LAST EMPLOYMENT	LIABILITY FOR PRIOR LOSS	BENEFITS		DEDUCTION FOR PRESBYCUSIS	FAILURE TO USE PROTECTIVE DEVICE	COMPENSABLE LOSS OF HEARING (IN DB)	LOSS OF HEARING CONSIDERED TOTAL (IN DB)	CYCLES AT WHICH LOSS IS MEASURED
				Total Loss	One Ear					
DISTRICT OF COLUMBIA	6 months			200 weeks	52 weeks					
GEORGIA	6 months	90 days	No	150 weeks	proportionate		No compensation	over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500-1,000-2,000
ILLINOIS				200 weeks	100 weeks			over 30	85	1,000-2,000-3,000
IOWA	6 months	90 days	No	175 weeks	proportionate		No compensation	over 25 ANSI/ISO	92 ANSI/ISO	500-1,000-2,000-3,000
MAINE	30 days	90 days	No	200 weeks	50 weeks	Yes		over 15 ASA (25 ANSI)	82 ASA (92 ANSI)	500-1,000-2,000
MARYLAND		90 days	Implead prior employers			Yes		over 15	82	500-1,000-2,000
MISSOURI	6 months	(*)	No	148 weeks	40 weeks	Yes		over 15 ASA (25 ANSI/ISO)	82 ASA (93 ANSI/ISO)	500-1,000-2,000
MONTANA	6 months	90 days, 8 hours daily	No	200 weeks	40 weeks	Yes		over 25 ISO '64	92 ISO '64	500-1,000-2,000
NEW JERSEY	4 weeks	1 year, 3 days weekly during 40 weeks	No	200 weeks	proportionate	Yes	No compensation	over 20 ASA '51 (30 ANSI '69)		1,000-2,000-3,000
NEW YORK	3 months*	Under 90 days presumed non-compensable	Implead prior employers	150 weeks	60 weeks	No		over 25 (ANSI '69)	92 (ANSI '69)	500-1,000-2,000-3,000
NORTH CAROLINA	6 months	90 days	No	150 weeks	proportionate		No compensation	over 15 (26 ANSI/ISO)	82 (93 ANSI/ISO)	500-1,000-2,000-3,000
NORTH DAKOTA				200 weeks	50 weeks	Yes		over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000
OREGON			No, if adequately documented by a pre-employment audiogram	192 weeks	60 weeks	Yes		over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000-4,000-6,000
RHODE ISLAND	6 months		No	100 weeks, lump sum	17 weeks, lump sum			*	*	500-1,000-2,000-3,000
SOUTH CAROLINA	No requirement	No requirement	No	165 weeks	80 weeks			over 25	92 (ANSI '69)	500-1,000-2,000-3,000
SOUTH DAKOTA	6 months	90 days	No	150 weeks	proportionate	Yes	No compensation	over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000
UTAH	6 weeks		No	109 weeks	proportionate	No		over 25 ANSI '69	90 (53.6 ANSI '69)	500-1,000-2,000-3,000
VIRGIN ISLANDS	6 months			180 weeks	120 weeks					
VIRGINIA								27 ASA	90 ASA	500-1,000-2,000-3,000
WEST VIRGINIA	No requirement	No requirement	Yes, unless prior non-industrial loss is ascertained and stated or prior industrial loss is reduced to award	220 weeks*	90 weeks*	No	No consequence	over 27.5 (ANSI '69)	90 (ANSI '69)	500-1,000-2,000-3,000
WISCONSIN	7 days	90 days	No	216 weeks	36 weeks		15% decreased compensation	over 30 ANSI	93	500-1,000-2,000-3,000
LONGSHORE ACT			Last covered employer	200 weeks	52 weeks			over 25 (ANSI)	92 (ANSI)	500-1,000-2,000-3,000

Mo. *Employment in which employee was last exposed to hazards for which claim is made regardless of the length of time of such last exposure.

N.Y. *Claimant may file up to 3 months after separation from employment.

R.I. *Latest standards of AMA's *Guide to the Evaluation of Permanent Impairment* is used to measure hearing impairment.

West Va. *Additional award up to 20 weeks for impaired speech discrimination.

PART 2
BENEFITS PROVIDED

Because workers' compensation imposes an absolute (but limited) liability upon the employer for employee disabilities caused by the employment, the benefits payable to the injured employee attempt to cover most of the worker's economic loss. This loss includes both loss of earnings and extra expenses associated with the injury.

Specifically, the benefits provided are:

- **Cash benefits,** which include both impairment benefits and disability benefits. The former are paid for certain specific physical impairments, while the latter are available whenever there is an impairment *and* a wage loss.
- **Medical benefits,** which are usually provided without dollar or time limits. In the case of most workplace injuries, only medical benefits are provided since substantial impairment or wage loss is not involved.
- **Rehabilitation benefits,** which include both medical rehabilitation and vocational rehabilitation for those cases involving severe disabilities.

CASH BENEFITS

In considering workers' compensation income or cash benefits—which replace employee loss of income or earning capacity due to occupational injury or disease—*four classifications of disability* are used: (1) temporary total, (2) permanent total, (3) temporary partial, and (4) permanent partial. Permanent partial is divided into "nonscheduled" and "scheduled" disabilities.

Most cases involve *temporary total disability.* That is, the employee—although totally disabled during the period when benefits are payable—is expected to recover and return to employment. *Permanent total disability* generally indicates that the employee is regarded as totally and permanently unable to perform gainful employment.

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITY: CHART VI

Income or cash benefits payable under either temporary total or permanent total disability are shown in Chart VI. For computing weekly benefit payments, a formula—expressed as a percentage of wage—is used. In most states limitations are placed on maximum and minimum benefits payable weekly; some states also limit the total number of weeks and total dollar amount of benefit eligibility. Where there is permanent total disability most states provide payments extending through the employee's lifetime.

For either temporary total or permanent total disability the wage-replacement percentage in each jurisdiction is the same. However, in permanent total disability cases the time limits tend to be longer and the total dollar amounts higher than in cases of temporary total disability. Some states provide additional amounts for dependents and other benefits. Allowances for dependents are charted as a range in the Maximum Weekly Payment and Notations columns.

PARTIAL DISABILITY

Most awards and the preponderance of dollars paid out as income benefits are either for temporary total or permanent partial disability. As partial disabilities involve current earnings or wage-earning ability, in many states weekly benefit payments for temporary or permanent *partial disabilities* of the "non-scheduled" type are based on a wage-loss replacement percentage. The percentage applies to the difference between wages earned before and after injury. In some states "non-scheduled" permanent partial disabilities are compensated as a percentage of the total disability cases.

INCOME BENEFITS FOR SCHEDULED INJURIES: CHART VII

Chart VII indicates maximum amounts payable in cases of "scheduled" injuries. Listed by law, these injuries involve loss—or loss of use of—specific body members, where wage loss based on nature of impairment is presumed. In most jurisdictions the actual amount payable is a specific number of weeks of benefits (based on the member involved) multiplied by the weekly benefit amount (based on earnings at time of injury).

The chart also indicates whether the "scheduled" award is in addition to any payment otherwise payable to the employee while he may be temporarily totally disabled (healing period). Some states limit the amount payable for such periods of temporary total disability.

The Canadian statutes do not provide schedules of specific injuries. Cases are decided individually using medical impairment ratings as guidelines.

SURVIVOR BENEFITS FOR FATAL INJURIES: CHART VIII

Benefits payable in the event of fatal injuries—comprising more than 14 percent of all total income benefits—are shown in Chart VIII. The benefits provided include a burial allowance as well as a proportion of the worker's former weekly wages.

Although death is the ultimate work-related tragedy, the economic loss associated with death cases is often less than that of a permanent total disability. Because of these considerations, death benefits are generally paid to the spouse until remarriage and to the children until a specified age. In addition, some laws provide a maximum benefit total expressed as a maximum period for the payment of benefits. Figures for one child only reflect compensation if sole survivor.

MEDICAL BENEFITS, WAITING PERIOD: CHART IX

Medical Benefits—amounting to about 30 percent of all workers' compensation benefits paid—are shown in Chart IX. In most instances unlimited medical benefits are provided either specifically by statute or by administrative discretion.

Choice of Physician—Practices vary with respect to choice of attending physician. States are divided nearly evenly between those that give this decision to the employer or the employee. In some states selection must be made from an approved list. The employer normally has the right to have his own physician conduct an examination.

Waiting Periods—Statutes provide that a waiting period must elapse during which income benefits are not payable. This waiting period affects only compensation; medical and hospital care are provided immediately. If disability continues for a certain number of days or weeks, most laws provide for payment of income benefits retroactive to the date of injury. Statutory provisions for waiting periods are summarized in Chart IX.

REHABILITATION BENEFITS: CHART X

Mutual interests of disabled employees and employers generally favor starting rehabilitation as soon as possible. Although rehabilitation is considered an integral part of complete medical treatment, its uses may extend beyond this (for example, where it includes vocational rehabilitation and retraining).

Specific rehabilitation provisions now in workers' compensation laws are outlined in Chart X. However, rehabilitation is provided in all states even if unspecified in the law. Maintenance allowance amounts and special fund sources to finance rehabilitation also are indicated.

Insurance carriers and many employers having medical departments are leaders in carrying on rehabilitation for the industrially injured. Likewise, many major industries have comprehensive programs for employment of the physically handicapped. Smaller industries maintain modified programs for placement of disabled individuals in congenial tasks. All of these private programs help employees and employers alike.

The Federal Vocational Rehabilitation Act is now effective in all states; it includes federal funds to aid states in vocational rehabilitation of the industrially disabled.

CHART VI

INCOME BENEFITS FOR TOTAL DISABILITY

January 1, 1992

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT[2]	AUTOMATIC COST OF LIVING INCREASE	OFFSETS[3]	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
ALABAMA	66-2/3	$385.00	100% SAWW	$106.00[1]	27.5% SAWW[1]	Disability				Annual increase in maximum effective July 1.*
ALASKA	80% of spendable earnings	700.00		154.00 110.00*		Disability			Social Security, unemployment compensation, employer-funded pension or profit sharing plan	
AMERICAN SAMOA	66-2/3	205.00		40.00		Disability				Compensation increased 10% if installment without award unpaid after 14 days, 20% if installment following award unpaid after 10 days.
ARIZONA	66-2/3	323.00*				TT—Disability PT—Life				Benefits payable monthly. Additional $25 monthly if 1 or more total dependents, not subject to maximum. If claim was handled in bad faith or was done unfairly, additional benefit of 25% of total or $500, whichever is greater.
ARKANSAS	66-2/3	241.93*	70% SAWW	20.00		TT—450 weeks PT—Life	TT—$108,868.50		Unemployment compensation, Social Security	25% penalty for employer's violation of safety laws. Employer may pay a lump sum equal to present value of all future payments computed at a discount of no more than 10%.**
CALIFORNIA	66-2/3	366.00*	66-2/3% SAWW*	126.00**		TT—Disability PT—Life		TT—after 2 years	Unemployment compensation, Social Security	50% increased compensation if injury due to employer's serious, willful misconduct. Compensation increased by 10% if undue delay in payment. If injury was caused by employee's intoxication by alcohol or other controlled substance, no compensation is payable.
COLORADO	66-2/3	395.71	91% SAWW			TT—Disability* PT—Life			Social Security, unemployment compensation	Annual increase in maximum effective July 1. Compensation increased 50% if employer failed to comply with insurance provisions. Compensation decreased 50% if injury results from worker's failure to obey safety regulations or from intoxication.
CONNECTICUT	66-2/3	737.00	150% SAWW	147.40**	20% of maximum	Disability		October 1		Annual increase in maximum effective October 1. Additional $10 weekly per dependent child under 18, maximum 50% of basic benefit or 75% of wage (whichever is less). Compensation increased to 75% of wages if employer violated OSHA regulation.**
DELAWARE	66-2/3	312.39	66-2/3% SAWW	104.13[1]	33-1/3% of maximum	Disability				Annual increase in maximum effective July 1.
DISTRICT OF COLUMBIA	66-2/3 up to 80% of spendable earnings*	613.09*	100% SAWW*	153.27*	25% SAWW	Disability		PT—October 1, maximum 5%*	Social Security, employer-funded pension	Annual increase in maximum effective January 1*
FLORIDA	66-2/3	409.00	100% SAWW	20.00		TT—260 weeks PT—Disability	TT—$106,340.00		Unemployment compensation, Social Security	Annual increase in maximum effective January 1. Compensation increased 10% if installment unpaid after 14 days.* Compensation reduced by 25% if employee refuses to use a safety device provided by the employer.**
GEORGIA	66-2/3	225.00*		25.00[1]		Disability				Board may assess penalties of not more than $1,000, or less than $100 for refusal, unreasonable delay, or willful neglect to make payment.**
GUAM	66-2/3	250.00	66-2/3% SAWW	PT—150.00		Disability	$100,000.00			Compensation increased 10% for late payment without award; 20% if award.
HAWAII	66-2/3	437.00	100% SAWW	TT—109.25* PT—109.25	TT—25% SAWW* PT—25% SAWW	Disability		PT—injuries prior to January 1, 1992		Annual increase in maximum effective January 1. Compensation may be increased 10% for failure to pay within 31 days after decision or award, or within 10 business days for uncontroverted temporary total disability case.
IDAHO	60	324.00	90% SAWW	162.00	45% SAWW	Disability		After 52 weeks		Annual increase in maximum effective January 1. For first 52 weeks benefit is 60% of worker's wages if there are no dependent children under 18; after 52 weeks benefit is 60% of SAWW. Benefit is increased 7% of SAWW per dependent child (up to 5), but may not exceed 90% of wages. 8% interest on late payments.*
ILLINOIS	66-2/3	655.73	133-1/3% SAWW	TT—100.90* PT—245.90	PT—50% SAWW	TT—Disability PT—Life		PT—July 15 of 2nd year		Semiannual increases in maximum effective January 15 and July 15.**
INDIANA	66-2/3	328.00*		75.00[1]		500 weeks	$164,000.00			After 500 weeks, additional benefits are payable from second injury fund in 150-week increments.**
IOWA	80% of spendable earnings*	733.00	200% SAWW	0.92**		Disability				Annual increase in maximum effective July 1. Benefits increased 50% if late or stopped without good cause.

[1] Actual weekly wage if less.

[2] Amounts shown in italics have been calculated.

[3] Social Security offsets generally apply by formula up to 50% of basic benefit.

Ala. *Compensation may be increased up to 10% for failure to pay within 30 days after due.

Alaska *Spendable weekly earnings if less. $154 with wage documents; $110 without wage documents.

Ariz. *Maximum monthly wages are $2,100 effective 7/1/91.

Ark. **18% penalty for failure to pay without an award, 20% penalty for failure to pay with an award. Benefits are subject to child support withholding.

Calif. *Based on maximum average weekly wage of $504, effective 1/1/91.
**If AWW is less than $126, payment is 1.5 times AWW.

Colo. *TT payments cease when claimant reaches maximum medical improvement, is able to return to work, or as otherwise determined by Director.

Conn. *100% if injury was result of employer's violation of health and safety regulations.
**80% of average weekly wage, if less.
***12% interest benefits added if undue delay in payment; 10% if undue delay in adjustment (4 weeks is presumed undue delay).

D.C. *Maximum is 100% SAWW; minimum is 25% SAWW or 80% of actual earnings if less. Benefits for D.C. government employees are similar to F.E.C.A.

Fla. *Compensation increased 20% if unpaid 30 days after award. Also, $50 fine for every installment not paid when it becomes due.
**No compensation is payable if injury was caused primarily by the use of any drug, including alcohol. If employee refuses to take a drug test, it is presumed that drug use caused the accident.

Ga. *Income payable without award increased 15% if not paid within 21 days of becoming due unless claim is controverted or Board excuses. Awarded benefits increased 20% if not paid within 20 days unless Board grants review.
**No compensation payable if employee was intoxicated or under the influence of a controlled substance.

Hawaii *Actual wages if less, but no less than $38.

Idaho *Benefits reduced by 50% if injury was the result of alcohol or a non-prescription controlled substance.

Ill. *Minimum TT benefit is $100.90 if unmarried and ranges up to $124.30 if 4 or more dependents. In all cases claimant receives actual wage if less.
**TT benefits may be increased $10 per day, up to $2,500, for unreasonable delay in payment; 14 days is presumed unreasonable. Compensation may be increased 50% for unreasonable or vexatious delay in payment. Compensation may be increased 25% for employer's willful violation of safety standard.

Ind. *SAWW increased to $441 on 7/1/91. TTD benefits are subject to child support withholding.
**Award is increased 5% if employer loses on court appeal; court may increase to 10%.

Iowa *Elected or appointed officials may choose to have their compensation based on their weekly earnings or, they may choose to receive compensation equal to 140% of the SAWW.
**Minimum based on weekly wage of $1.00.

CHART VI ☐ INCOME BENEFITS FOR TOTAL DISABILITY ☐ January 1, 1992 (continued)

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT[2]	AUTOMATIC COST OF LIVING INCREASE	OFFSETS[3]	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
KANSAS	66-2/3	$289.00	75% SAWW	$25.00		Disability	TT—$100,000.00 PT—$125,000.00 (includes TT)			Annual increase in maximum effective July 1. Compensation may be increased up to $100 per week past due (plus up to $25 per week past due, or 10% of medical, whichever is greater for failure to pay medical bill).*,**
KENTUCKY	66-2/3*	380.00	100% SAWW	76.00	20% SAWW	Disability				Annual increase in maximum effective January 1. Compensation increased or decreased 15% if injury caused by safety violation. 12% interest on late payments; 18% if administrative law judge determines that delay was without reasonable foundation.
LOUISIANA	66-2/3	295.00	75% SAWW	75.00	20% SAWW[1]	PT—Disability TT—6 months*			Social Security,** unemployment compensation, employer-funded disability, federal workers' compensation	Annual increase in maximum effective September 1. Penalty of $200 or 15% on late payments. No compensation paid if employee was intoxicated or under the influence of a non-prescription controlled substance, unless intoxication resulted from activities in pursuit of employer's interest.***
MAINE	66-2/3	518.42	(*)	25.00**			(**)	For injuries on or after 11/20/87, on anniversary of date of injury beginning with 3rd anniversary	Employer funded benefits, old age Social Security, unemployment benefits.	Annual increase in maximum effective July 1.***
MARYLAND	66-2/3	475.00	100% SAWW	TT—50.00[1]		Disability	$45,000.00 PT-continuing benefits for accident/occupational diseases occurring after 7/1/73.	PT—January 1, maximum 5%		Annual increase in maximum effective January 1. If permanent disability exceeds 50% of whole body, worker receives additional compensation from Subsequent Injury Fund after completion of payments by employer.
MASSACHUSETTS	66-2/3	515.52	100% SAWW	TT—20.00* PT—103.10[1]	PT—20% SAWW maximum	Disability	T—*$127,548.20**		Unemployment compensation, pension, old age Social Security	Annual increase in maximum effective October 1. Additional $6 weekly per dependent if total benefit does not exceed $150 or 100% of wages.***
MICHIGAN	80% of spendable earnings	441.00	90% SAWW	PT—122.50	PT—25% SAWW	Disability*			Disability, unemployment compensation, pension, old age Social Security retirement**	Annual increase in maximum effective January 1. Additional $50 per day for award unpaid after 30 days, maximum $1,500.
MINNESOTA	66-2/3	443.00	100% SAWW	221.50	50% SAWW*	TT—90 days after maximum medical improvement or end of retraining		Anniversary of injury	Social Security after $25,000 paid for PTD.**	Annual increase in maximum effective October 1. Late payment may be increased 10% if inexcusably delayed, plus interest.
MISSISSIPPI	66-2/3	227.18*	66-2/3% SAWW	25.00		450 weeks	*$102,231.00*			Annual increase in maximum effective January 1. Additional rehabilitation allowance up to $10 weekly for 52 weeks.**
MISSOURI	66-2/3	431.26	105% SAWW*	40.00		TT—400 weeks PT—Life	TT—*$172,504.00*			Annual increase in maximum effective August 28. 8% interest for late payments. One time lump sum award may be reached through a compromise settlement.**,***
MONTANA	66-2/3	336.00*	100% SAWW			Disability**		As of 7/1/90, max of 10 annual COLA adjustments rate no more than % increase in SAWW or 3%, whichever is less	Social Security	Annual increase in maximum effective July 1. PT benefits may be paid out in a lump sum, subject to a discount to present value based on average rate for U.S. 10-year treasury bills. Advances limited to $20,000. Compensation may be increased 20% if payment unreasonably delayed or refused.
NEBRASKA	66-2/3	265.00		49.00[1]		Disability				Annual increase in maximum effective July 1.
NEVADA	66-2/3	409.16	100% SAWW			TT—Disability PT—Life			Social Security	TT benefits payable bi-weekly. PT benefits payable monthly. Annual increase in maximum effective July 1. Maximum $1,000 fine if undue delay in payment.
NEW HAMPSHIRE	66-2/3*	633.00	150% SAWW	168.80**	40% SAWW[1]	Disability		July 1—after 3 years		Annual increase in maximum effective July 1. Double compensation if employer violated prior recorded safety standard. 10% increase if undue delay in payment.***
NEW JERSEY	70	409.00	75% SAWW	109.00	20% SAWW	TT—400 weeks PT—450 weeks	TT—*$163,600.00*		Social Security	Annual increase in maximum effective January 1. After 450 weeks at reduced rate if employed; at full rate if not able to be rehabilitated.

Kan. *12% penalty if undue delay in payment.
**Employer not liable if injury was primarily caused by the use of a non-prescription controlled substance.

Ky. * 80% of AWW during rehabilitation.

La. *TT payable until claimant reaches maximum medical improvement or for 6 months, whichever is less. He may however, submit a claim for an extension beyond 6 months.
**PT benefits reduced so that combined Social Security and PT benefits do not exceed 80% of pre-injury wages. Lump sum payments allowed upon director's approval and may be discounted at no more than 8% per year. Monthly supplemental earnings benefits cannot exceed 4-3/10 times TT benefits.
***12% interest if undue delay in payment.

Maine **Employee who has reached maximum medical improvement and is able to perform full-time remunerative work in the ordinary competitive labor market in the state not eligible for total disability benefits, but may receive partial.
***Carrier may be assessed up to $100 per day for failure to pay award within 10 days.

Mass. *Actual wages if less, but no less than $20 if working at least 15 hours a week.
**260 times SAWW, includes permanent partial disability.
***Double compensation if injury due to employer's serious and willful misconduct. If no benefits are paid prior to final decision of claim, award is based on benefits in effect at time of decision instead of date of injury. Eligible for supplementary benefits after 24 months, calculated on October 1, equal to base benefit times percent increase in SAWW over SAWW at time of injury.

Mich. *Conclusive presumption of PT disability does not exceed beyond 800 weeks from injury; thereafter determined in accordance with facts.
**Benefits reduced if claimant is eligible for Social Security and such benefits are not being coordinated.

Minn. *Actual wages if less, but not less than 20% of SAWW, $88.60 through 9/30/92. After 208 weeks' total disability, supplementary benefits bring compensation to 50% of SAWW; $221.50 through 9/30/92.
**Other government disability benefits from same injury also offset.

Miss. *Lump sum awarded in special cases, equal to present value of future payments, less 4%, compounded annually.
**If award is not paid within 14 days, 20% interest added (10% if no award).

Mo. *Maximum weekly payment rate increases to 105% on 8/28/91.
**Compensation increased 15% if injury caused by failure to comply with statute or order, decreased 15% if caused by worker's failure to use safety device.
***If employer has a drug-free workplace program and the injury was primarily caused by intoxication, employee forfeits right to benefits.

Mont. *Freeze on maximum weekly benefits expired on 7/01/91.
**Compensation terminates upon receipt of or eligibility for Social Security retirement benefits, when claimant is receiving permanent total disability benefits.

N.H. *Any claimant who holds 2 jobs concurrently shall have his average weekly wage computed from his two salaries, but not to exceed 100% of his after tax earnings.
**If AWW is 40% or less of the SAWW, employee is then compensated at a rate equal to his AWW but not to exceed 100% of his after tax earnings.
***Employer not liable for injury if worker was intoxicated by a non-prescription controlled substance unless employer was aware of intoxication.

CHART VI ☐ INCOME BENEFITS FOR TOTAL DISABILITY ☐ January 1, 1992 (continued)

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT'	AUTOMATIC COST OF LIVING INCREASE	OFFSETS'	NOTATIONS
		AMOUNT	RATE	AMOUNT	RATE					
NEW MEXICO	66-2/3	$307.30	85% SAWW	36.00'		PT—Life*			Unemployment benefits	Annual increase in maximum effective January 1. 10% additional compensation payable by employer for failure to provide safety devices. 10% decrease for failure to use provided safety device.**
NEW YORK	66-2/3	350.00*		TT—$20.00'** PT—$30.00'**		Disability			Social Security	Persons receiving PT benefits may collect full compensation and wages, but not in excess of pre-injury wage base.***
NORTH CAROLINA	66-2/3	426.00	110% SAWW	30.00		TT—Disability PT—Life			Unemployment benefits	Annual increase in maximum effective January 1
NORTH DAKOTA	66-2/3	334.00 plus dependents	100% SAWW	201.00'	60% SAWW'	Disability			Social Security Disability and Social Security Retirement*	Annual increase in maximum effective July 1. Additional $10 weekly per dependent child under 18, or to age 22 if child is attending a full-time educational institution; total benefits may not exceed claimant's net take-home pay.**
OHIO	72—first 12 weeks 66-2/3—after 12 weeks 66-2/3% if receiving Social Security retirement benefits	443.00	100% SAWW	TT—147.67 PT—221.50	TT—33-1/3% SAWW' PT—50% SAWW'	TT—Disability** PT—Life			Employer funded benefits	Annual increase in maximum effective January 1. If PT benefit plus Social Security are less than $190.55 weekly, Disabled Workers' Relief Fund pays the lesser of the difference between the DWRF rate and PT or the DWRF rate and social security; amount increased annually by increase in Consumer Price Index.
OKLAHOMA	66-2/3	246.00	66-2/3% SAWW	30.00'		TT—150 weeks*	*TT—$36,900.00*			Maximum amounts adjusted every three years, based on state average weekly wage. Current rates effective 11/1/90 through 10/31/93.**
OREGON	66-2/3	429.71	100% SAWW	50.00**		Disability			PT—Social Security	Annual increase in maximum effective July 1. Injuries primarily caused by a controlled substance are not compensable. Up to 25% increase if unreasonable delay in payment.
PENNSYLVANIA	66-2/3	455.00	100% SAWW	151.67*	33-1/3% SAWW*	Disability				Annual increase in maximum effective January 1.
PUERTO RICO	66-2/3	65.00		20.00		TT—312 weeks PT—Life	*$24,300.00**			Compensation doubled if due to employer's violation of safety or health law or regulation.
RHODE ISLAND	66-2/3	427.00 plus $9.00 per dependent*	100% SAWW			Disability				Annual increase in maximum effective September 1. Additional $9 per dependent child under 18, 23 if in an accredited institution, total benefit may not exceed 80% of pre-injury wages. 20% increase if payment not made within 14 days of becoming due.**
SOUTH CAROLINA	66-2/3	379.82	100% SAWW	75.00'		500 weeks*	*$189,910.00'*			Annual increase in maximum effective January 1
SOUTH DAKOTA	66-2/3	308.00	100% SAWW	154.00'	50% SAWW'	TT—Disability PT—Life		July 1st, for injuries on or after 7/1/88		Annual increase in maximum effective July 1
TENNESSEE	66-2/3	294.00*		35.00		TT—Disability PT—400 weeks	$117,600.00			After 400 weeks PT benefit is reduced to $15. Compensation may be increased 25% for failure to pay claim. Annual increase in maximum effective July 1.
TEXAS	70*	428.00	100% SAWW	64.00	15% SAWW	TT—104 weeks** PT—401 weeks**	*$116,816.00***	3% annually for benefits granted for life		Maximum and minimum benefits are established on September 1 annually. Benefits are subject to withholding for child support.
UTAH	66-2/3	TT—378.00 PT—321.00	TT—100% SAWW PT— 85% SAWW	45.00'		Disability*			Social Security Disability and Retirement	Annual increase in maximum effective July 1. Additional $5 if spouse, plus $5 per dependent child under 18 (up to 4); total benefit may not exceed maximum.*
VERMONT	66-2/3	592.00* plus $10 per unmarried dependent under 21	150% SAWW	198.00'	50% SAWW'	Disability*		July 1		Annual increase in maximum effective July 1. Additional $10 per dependent child under 21; total benefits may not exceed pre-injury wages.**
VIRGIN ISLANDS	TT—66-2/3* PT—75	271.00	66-2/3% SAWW*	60.00'		Disability		After 2 years on January 1		Annual increase in maximum effective January 1. Total disability benefits begin after medical and vocational rehabilitation end. Compensation increased 15% for injury caused by employer's failure to obey safety order.*
VIRGINIA	66-2/3	418.00	100% SAWW	104.50	25% SAWW'	TT—500 weeks PT—Disability*	*TT—$209,000.00*	October 1**		Annual increase in maximum effective July 1. Compensation increased 20% for failure to pay within 2 weeks after due. Benefits subject to child support withholding.
WASHINGTON	60 to 75 depending on conjugal status	435.57*	100% SAWW	46.25		Disability		July 1	Social Security under age 65 Disability, Retirement	Benefits payable monthly. Annual increase in maximum effective July 1. 60% of wage, additional 5% of wages for spouse, plus 2% of wages per dependent child (up to 5), up to maximum. Benefits subject to child support withholding.

N.M. *Except for total disability resulting from primary mental impairment in which case the maximum period is 100 weeks.
**If determined award is not paid timely, a workers' compensation judge may order the entire balance of the award due.

N.Y. *Increases to $400 on 7/1/92
**Increases to $40 on 7/1/92 for TT and PT
***No compensation payable if injury was solely caused by intoxication from alcohol or a controlled substance.

N.D. *Offset for retirement may not exceed 40% of weekly Social Security benefit. Offset for disability may not exceed 50% of weekly Social Security benefit. If eligible to receive supplemental benefits, claimant may receive minimum of $201 per week.
**No compensation paid if injury was result of using an intoxicant on the job.

Ohio *Maximum PT rate is 66-2/3% SAWW unless claimant receives Social Security, which, combined with PT, brings maximum up to 100% SAWW.
**After 200 weeks claimant examined to determine if disability is permanent. Claimant who receives an initial award of 90 days TT compensation will be required to be examined by bureau to determine continued eligibility for compensation, rehabilitation and medical treatment.

Okla. *Court order may extend benefits for up to 300 weeks. If extended, amount limit is $73,800.
**10% increase if not paid within 10 days after becoming due.

Ore. *Includes $5 per dependent, up to 5.
**90% of actual wages, if less.

Pa. *90% of wages if less, but no less than 33-1/3% of SAWW ($151.67, effective 1/1/92).

P.R. *May be paid in monthly installments of $65 to $200 for life; if converted to lump sum payment, total sum not to exceed $24,300.

R.I. *Total award (TT and payments to dependents) may not exceed 80% of AWW.
**No compensation for PT disability if worker is earning pre-injury wages. Lump sum benefits available after benefits have been received for 6 months. Dependency allowance may be increased if the number of dependents increases during the time when an employee is receiving weekly benefits.

S.C. *Person who is para or quadraplegic or has suffered brain damage shall receive PT benefits for life. Commission may not order lump sum payment in such cases.

Tenn. *From date injury is determined to be permanent.

Texas *75% if earning less than $8.50/hour
**For life in case of amputation or paralysis of two limbs, loss of vision in both eyes, or permanent insanity, at a rate of 75% AWW. Annual increase does not apply to benefits granted for life.

Utah *Disability beyond 312 weeks is payable from Employers' Reinsurance Fund, minimum 36% SAWW.

Vt. *PT benefits payable at least 330 weeks, after temporary disability benefits cease. After 330 weeks, PT benefits continue while there is lost earning capacity.
**Benefits may be disallowed if injury results from worker's failure to use safety device.

V.I. *During vocational rehabilitation, income benefits are 75% of AWW, maximum SAWW, minimum $75 or actual wages if less.

Va. *500-week limit for certain PT cases.
**Recipient of Social Security may be eligible for cost of living increases.

Wash. *Maximum monthly wages are $1,866.75 effective 7-1-91

CHART VI ☐ INCOME BENEFITS FOR TOTAL DISABILITY ☐ January 1, 1992 (continued)

JURISDICTION	PERCENT OF WAGES	MAXIMUM WEEKLY PAYMENT		MINIMUM WEEKLY PAYMENT		TIME LIMIT	AMOUNT LIMIT[2]	AUTOMATIC COST OF LIVING INCREASE	OFFSETS[3]	NOTATIONS
		AMOUNT[1]	RATE	AMOUNT	RATE					
WEST VIRGINIA	70	394.02	100% SAWW	131.34	33-1/3% SAWW	TT—208 weeks PT—Life	TT—$81,956.00			All but TT benefits payable monthly. Annual adjustment in maximum effective July 1.*
WISCONSIN	66-2/3	450.00	100% SAWW	30.00		TT—Disability PT—Life			Social Security	Annual increase in maximum effective January 1, 1992 through December 31, 1993.*
WYOMING	TT—66-2/3	TT—392.00 PT—261.35 plus dependents	TT—100% SAMW PT—66-2/3% SAMW	PT—261.35	PT—66-2/3% SAMW	TT—Disability PT—Life	(*)			Benefits payable monthly. Quarterly increases in maximum effective January 1, April 1, July 1, and October 1. PT benefit fixed at 66-2/3% of SAMW plus $100 per child monthly
F.E.C.A.	66-2/3 or 75	1204.36	66-2/3% or 75% of highest rate for GS-15	$186.13[1]	66-2/3% or 75% of lowest rate for GS-2[1]	TT—Disability PT—Life		October 1	(*)	Benefits payable monthly. Benefits effective 1/13/91. Higher percentage payable if 1 or more dependent
LONGSHORE ACT	66-2/3	699.96	200% NAWW*	174.99[1]	50% NAWW1,*	Disability		PT—October 1	Jones Act, other workers' compensation benefits	Annual increase in maximum effective October 1
ALBERTA[4]	90% of weighted net income	505.72[5]		$207.27[1,5]		TT—Disability PT—Life				PT payable monthly. Maximum annual earnings are $42,000 effective January 1, 1992.*
BRITISH COLUMBIA[4]	75	690.41		257.37		TT—Disability PT—Life		January 1 and July 1		PT payable monthly. Maximum annual earnings $48,400. Annual increase in maximum effective January 1.
MANITOBA[4]	90% (80% after 24 months)	875.00	(*)	188.32		to age 65**		Second anniversary of the accident & annually thereafter	Can. Pension Plan Disability Benefits, Unemployment & Disability	Benefits payable periodically. Maximum annual earnings $45,500. Annual increase in maximum effective January 1.
NEW BRUNSWICK[4]	90% of average net earnings	437.36 to 466.19[1]	150% of provincial average wage	218.15[5,6]		to age 65**			Can. Pension Disability Benefits	Payable monthly. Maximum annual earnings $35,400. Annual increase in maximum effective January 1.
NEWFOUNDLAND[4]	90% of weighted net income	596.18[6]		200.00[1,6]		to age 65**			Canadian Pension Disability Benefits	PT payable monthly. Maximum annual earnings $45,500 effective 1/1/83
NORTHWEST TERRITORIES[4]	90% of net income	596.42[5]		253.84[1,6]		TT—Disability PT—Life				Benefits payable monthly. Maximum annual earnings $40,000
NOVA SCOTIA[4]	75% of average gross income	519.23[5]		147.11[5]		TT—Disability PT—Life		January 1		PT payable monthly. Maximum annual earnings $36,000, effective 1/1/90. Additional $36.00 weekly per child; total benefit may exceed maximum. For PT only, additional $184 monthly per child
ONTARIO[4]	90% of net average earnings*	598.10 to 664.28		281.33		TT—Disability PT—Life		In accordance with increases in the C.P.I.		PT payable monthly. Maximum annual earnings $50,800
PRINCE EDWARD ISLAND[4]	75	360.58[6]		60.00[6]		TT—Disability PT—Life				PT payable monthly. Maximum annual earnings $25,000, effective 1/1/91.*
QUEBEC[4]	90% of weighted net income**	492.73 to 565.76		179.67 to 209.09		TT—Disability* PT—Lump Sum		TT—Anniversary of accident PT—January 1		PT lump sum. Maximum annual earnings $44,500 effective 1/1/92
SASKATCHEWAN[4]	90% of net income	582.00[1,6]	(**)	237.91[6]		TT—Disability PT—Life		Payments indexed by CPI on anniversary of earnings loss	50% of Canada pension after 12 months	PT payable monthly. For injuries prior to 9/1/85, the maximum is equal to $37,000. Assessable maximum is $40,000. After 2 years' disability, an amount equal to 10% of compensation is set aside to purchase annuity for benefits after age 65.**
YUKON TERRITORY[4]	75	575.33[5,6]	(*)	149.03[1,5,6]		TT—Disability PT—Life		January 1		Maximum annual assessible earnings $40,000
CANADIAN MERCHANT SEAMEN'S ACT[4]	75	443.01		156.32*		TT—Disability PT—Life				Benefits payable monthly. Maximum annual earnings $32,875*. Gov.-in-Council may raise benefits to level paid in maritime provinces

[1] Actual weekly wage if less.

[2] Amounts shown in italics have been calculated.

[3] Social Security offsets generally apply by formula up to 50% of basic benefit.

[4] All amounts are reported in Canadian dollars.

[5] Figures reflect 1991 amounts. 1992 figures not available at time of publication.

[6] Reflects maximum for worker with 2 dependents.

W.V. *Employees of the state or any of its subdivisions, may not simultaneously receive temporary workers compensation benefits and sick/vacation pay.

Wic. *Compensation may be adjusted up or down by 15% (up to $15,000) for failure to use safety device orobey code or order. 10% interest payable on late payments. Employer, insurer, or both may be assessed penalty up to double the amount of compensation (not to exceed $15,000) for bad faith failure to make payments.

Wyo. *Hearing examiner must approve the extension of PT payments beyond 60 months. Total TT payments must not exceed the state average monthly wage from the preceding 12 months of the previous quarter.

F.E.C.A. *Civil Service Retirement and Disability Fund (CSRA) overpayments.

Longshore *Effective 9/29/84. Nonappointed Fund Instrumentalities Act employees subject to same maximum/minimum weekly rates as employees covered under Longshore Act.

Alta. *Compensation may be increased up to 10% for failure to pay within 30 days after due.

Man. **If worker is 63 or older at time of injury, maximum time for receiving wage loss benefits is 24 months.

N.B. *Annual review of maximum. Lower figure for single, higher figure for married claimant with 2 children.
**If 63 or older at time of loss, maximum is 2 years.

Nfld. *100% of weighted net earnings if less. Lower figure for single, higher figure for married claimant with 2 children.
**If worker is 63 or older at time of injury, maximum time for receiving benefits is 2 years.

N.S. *Minimum for temporary total disability is 75% of minimum wage.

N.W.T. *Maximum applies to worker with two dependents who is not a resident of N.W.T. A resident worker with two dependents can receive a weekly maximum of $557.85.

Ont. *For accidents on or after April 1, 1985. Net average earnings are gross wages, minus probable income taxes, Canadian pension plan premiums and Unemployment Insurance. Lower figure for single, higher figure for married claimant with one child.

P.E.I. *Maximum monthly payment is $1,562.50, effective 1/1/91.

Quebec *The income replacement indemnity is reduced by 25% at age 65, by 50% at age 66, and by 75% at age 67.
**Gross income less: federal and provincial income tax net of credits established in relation to the family situation of the worker; unemployment insurance premiums; and contributions to the Quebec Pension Plan.

Sask. *Lower figure for single; higher figure for married claimant with 2 children under 16 years old.
**Maximum earning ceiling increased by $1,000 if 10% workers injured in preceding year earn in excess of maximum. For injuries occuring on and after 1 September 1985, the maximum earning ceiling is $48,000.
***Actual wages if less for first 2 years' disability.

Yukon *Benefits increased annually based on Consumer Price Index.

C.M.S.C.A. *At time of publication amounts were pending final approval.

CHART VII INCOME BENEFITS FOR SCHEDULED INJURIES January 1, 1992

JURISDICTION	ARM AT SHOULDER	HAND	THUMB	FIRST FINGER	SECOND FINGER	THIRD FINGER	FOURTH FINGER	LEG AT HIP	FOOT	GREAT TOE	OTHER TOES	ONE EYE	HEARING ONE EAR	HEARING BOTH EARS
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO ALLOWANCE FOR SCHEDULED INJURY														
ALABAMA*	$48,840	$37,400	$13,640	$ 9,460	$ 6,820	$ 4,840	$ 3,520	$44,000	$30,580	$ 7,040	$ 2,420	$27,280	$11,660	$35,860
ALASKA*	No schedule. Benefits paid according to degree of impairment.*													
AMERICAN SAMOA	PPD benefits paid at 66-2/3% of wages for specified number of weeks, no maximum.*													
ARIZONA*	59,400	49,500	14,850	8,910	6,930	4,950	3,960	49,500	39,600	6,930	2,475	29,700	19,800	59,400
ARKANSAS*	38,105	28,669	11,431	6,714	5,806	3,810	2,903	33,387	23,770	5,806	1,996	19,052	7,621	28,669
CALIFORNIA*	58,975**	43,540	7,595	3,360	3,360	2,520	2,520	64,575**	33,740	4,235	840	21,105**	6,335	43,540
COLORADO*	31,200	15,600	7,500	3,900	2,700	1,650	1,950	31,200	15,600	3,900	1,650	20,850	5,250	20,850
CONNECTICUT*	229,944	185,724	70,015	39,798	32,428	22,847	19,162	175,406	138,556	30,954	9,581	173,195	38,324	114,972
DELAWARE	78,098	68,726	23,429	15,620	12,496	9,372	6,248	78,098	49,982	12,496	4,686	62,478	23,429	54,668
DISTRICT OF COLUMBIA	191,284	149,594	45,982	28,202	18,393	15,327	9,196	176,570	125,683	18,393	9,809	98,094	31,881	122,618
FLORIDA	No schedule. Benefits paid according to degree of impairment and loss of earnings.*													
GEORGIA	50,625	36,000	13,500	9,000	7,875	6,750	5,625	50,625	30,375	6,750	4,500	33,750	16,875	33,750
GUAM	70,000	53,000	12,750	7,000	4,500	4,250	1,750	62,000	43,250	6,500	2,000	35,000	13,000	50,000
HAWAII*	136,344	106,628	32,775	20,102	13,110	10,925	6,555	125,856	89,585	16,606	6,992	69,920	22,725	87,400
IDAHO*	59,400	53,460	21,780	13,860	10,890	4,950	2,970	39,600	27,720	8,316	1,386	34,650	–	34,650
ILLINOIS*	151,772	122,710	45,209	25,834	22,604	16,146	12,917	129,168	100,105	22,604	7,750	96,876	32,292	129,168
IOWA	168,500	128,060	40,440	23,590	20,220	16,850	13,480	148,280	101,100	26,960	10,110	94,360	33,700	117,950
MAINE	No schedule. Benefits paid according to degree of impairment.*													
MARYLAND*	142,500	118,631	15,800	3,300	2,888	2,475	2,063	142,500	118,650	3,300	825	118,631	19,750	118,631
MASSACHUSETTS*	22,167	17,528	–	–	–	–	–	20,105	14,950	–	–	20,105	14,950	39,695
MINNESOTA	No schedule. Benefits paid according to degree of impairment and loss of earnings.*													
MISSISSIPPI	45,436	34,077	13,631	7,952	6,815	4,544	3,408	39,757	28,398	6,815	2,272	22,718	9,087	34,077
MISSOURI*	49,548	37,374	12,814	9,611	7,475	7,475	4,698	44,209	33,103	8,542	2,990	29,899	9,397	35,879
MONTANA	No schedule. Benefits paid according to degree of impairment, age, education, wage loss, and physical loss.*													
NEBRASKA*	59,625	46,375	15,900	9,275	7,950	5,300	3,975	56,975	39,750	7,950	2,650	33,125	13,250	(**)
NEVADA	No schedule. Degree of disability determined in relation to whole man.*													
NEW HAMPSHIRE*	132,930	119,637	48,108	29,751	24,054	12,027	5,697	88,620	62,034	11,394	1,899	53,172	18,990	77,859
NEW JERSEY*	99,000	60,025	8,175	5,450	4,360	3,270	2,180	94,500	50,140	4,360	1,635	38,200	6,540	38,200
NEW MEXICO	61,460	38,413	16,902	8,604	6,761	5,224	4,302	61,460	35,340	10,756	4,302	39,949	12,292	46,095
NORTH CAROLINA*	102,240	85,200	31,950	19,170	17,040	10,650	8,520	85,200	61,344	14,910	4,260	51,120	29,820	63,900
NORTH DAKOTA*	35,000	28,400	9,100	5,600	4,200	2,800	2,240	26,208	16,800	3,360	1,344	16,800	5,600	22,400
OHIO*	99,675	77,525	26,580	15,505	13,290	8,860	6,645	88,600	66,450	13,290	4,430	55,375	11,075	55,375
OREGON*	58,577	45,763	14,644	7,322	6,712	3,051	1,831	45,764	41,187	5,492	1,220	30,509	18,305	58,577
PUERTO RICO*	12,000	12,000	4,875	2,600	1,950	1,625	1,300	12,000	11,375	1,950	975	(**)	3,250	12,000
RHODE ISLAND*	28,080	21,960	6,750	4,140	2,700	2,250	1,800	28,080	18,450	3,420	900	14,400	5,400	18,000
SOUTH CAROLINA	83,560	70,267	24,688	15,193	13,294	9,496	7,596	74,065	53,172	13,294	3,798	53,175	30,386	62,670
SOUTH DAKOTA	61,600	46,200	15,400	10,780	9,240	6,160	4,620	49,280	38,500	9,240	3,080	46,200	15,400	46,200
TENNESSEE	58,800	44,100	17,640	10,290	8,820	5,880	4,410	58,800	36,750	8,820	2,940	29,400	22,050	44,100
UTAH*	47,124	42,336	16,884	10,584	8,568	4,284	2,016	31,500	22,176	6,552	1,008	30,240	4,198	25,200
VERMONT*	127,280	103,600	29,600	18,944	14,800	11,840	7,104	127,280	103,600	14,800	5,920	74,000	30,784	127,280
VIRGINIA*	83,600	62,700	25,080	14,630	12,540	8,360	6,270	73,150	52,250	12,540	4,180	41,800	20,900	41,800
VIRGIN ISLANDS*	59,620	48,780	21,680	21,680	21,680	21,680	20,325	48,780	35,520	21,680	20,325	52,845	35,520	48,780
WASHINGTON*	54,000	48,600	19,440	12,150	9,720	4,860	2,430	54,000	37,800	11,340	4,140	21,600	7,200	43,200
WEST VIRGINIA*	63,043	52,536	21,014	10,507	7,355	5,254	5,254	63,043	36,775	10,507	4,203	34,674	23,641	57,790
WISCONSIN*	72,000	57,600	23,040	8,640	6,480	3,744	4,032	72,000	36,000	12,000	3,600**	39,600	(***)	(***)
WYOMING*	39,638	32,843	12,458	7,928	4,530	4,530	4,530	36,240	27,180	5,663	2,265	27,180	13,590	27,180
F.E.C.A.*	375,760	293,864	90,327	55,401	36,131	30,109	18,065	346,856	246,894	45,766	19,270	192,698	62,627	240,872
LONGSHORE ACT	216,388	170,790	52,497	32,198	20,999	17,499	10,499	201,588	143,496	26,598	11,199	111,994	36,398	139,992
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS ALLOWED IN ADDITION TO SCHEDULED INJURY WITH CERTAIN LIMITATIONS AS TO PERIOD														
INDIANA*	30,000*	24,000*	7,200*	4,800*	4,200*	3,600*	2,400*	27,000*	21,000*	7,200*	3,600*	21,000*	9,000*	24,000*
KANSAS*	60,690	43,350	17,340	10,693	8,670	5,780	4,335	57,800	36,125	8,670	2,890	34,680	8,670	31,790
NEW YORK*	89,950	70,350	21,700	13,300	8,750	7,350	4,320	82,950	59,150	10,850	4,550	46,200	17,500	43,400
PENNSYLVANIA*	186,550	152,425	45,500	22,750	18,200	13,650	12,740	186,550	113,750	18,200	7,280	125,125	27,300	118,300
IN THIS GROUP OF STATES, COMPENSATION FOR TEMPORARY DISABILITY IS DEDUCTED FROM THE ALLOWANCE FOR SCHEDULED INJURY														
KENTUCKY	No schedule. PP benefits paid at 66-2/3% of wages up to 425 weeks according to degree of disability.													
LOUISIANA*	59,000	44,250	14,750	8,850	5,900	5,900	5,900	51,625	36,875	5,900	2,950	29,500	–	29,500
MICHIGAN*	118,629	94,815	28,665	16,758	14,553	9,702	7,056	94,815	71,442	14,553	4,851	71,442	(**)	(**)
OKLAHOMA*	46,250	37,000	11,100	6,475	5,550	3,700	2,775	46,250	37,000	5,550	1,850	37,000	18,500	55,500
TEXAS	60,000*	45,000*	18,000*	13,500*	9,000*	6,300*	4,500*	60,000*	37,500*	9,000*	3,000*	30,000*	(*)	45,000*

NOTE—Amounts in chart reflect maximum potential entitlement. In Canada, permanent physical impairments generally are compensated by degree of disability using medical rating schedules as guidelines.
Numbers in italics are computations for loss of major member, loss of leg precluding use of artificial limb, or loss of eye by enucleation.

CHART VII ☐ INCOME BENEFITS FOR SCHEDULED INJURIES ☐ January 1, 1992 (continued)

Ala. Maximum weekly PP benefit is lesser of $220 or 100% SAWW.

Alaska *Compensation is $135,000 multiplied by the employee's percentage of permanent impairment based on the *AMA Guide to the Evaluation of Permanent Impairment.*

Am. Samoa *Arm—312, hand—244, thumb—75, first finger—46, second finger—30, third finger—25, fourth finger—15, leg—288, foot—205, great toe—30, other toes—16, one eye—160, one ear—52, both ears—200.

Ariz. *PP benefit is 55% of maximum monthly compensation.

Ark. *PP benefit is 66-2/3% of employee's average weekly wage up to a maximum of $154.00, except if total disability rate is $205.35 or more; maximum PP rate then is 75% of maximum total disability rate ($181.45 effective 1/1/92).

Calif. *Maximum PP benefit is $140.00, effective 1/1/84. Duration varies according to percentage of permanent disability, adjusted for age and occupation. Chart reflects standard rating for individual age 39 and loss of major arm.
**Chart reflects benefits for loss of eye if unable to wear artificial eye. Life pension up to $64.21 weekly also payable for loss of arm or leg.

Colo. *Maximum weekly benefit is $150. The weekly rate for a "working unit" award is $120 ; maximum award is $37,560.

Conn. *Commission may award additional benefits based on loss of earnings. Minimum weekly benefit is $50.00.

Fla. *Permanent impairment caused by amputation, loss of 80% of vision in either eye after correction, or serious facial disfigurement—$250 per 1% of disability up to 10%, and $500 per 1% of disability over 10%. Wage-loss benefits also payable in all permanent impairment cases—80% of difference between 80% of pre-injury wages and earnings after maximum medical improvement, up to 100% of SAWW weekly; Social Security retirement benefits are deducted from wage loss benefits.

Hawaii *In cases in which the disability is determined as a percentage of total loss or impairment of physical or mental function of the whole man, the maximum compensation is the corresponding percentage of 312 times 100% SAWW ($136,344 effective 1992).

Idaho *Maximum weekly PP benefit is 55% of SAWW for year in which injury occurred ($198 for 1992).

Ill. *Effective January 15. Figures reflect benefits for amputation of member—maximum 133-1/3% of SAWW ($630.65 effective 1/15/91). For other PP benefits, wage replacement rate is 60% and maximum is $340.37.

Ind. *Payable if injury occurred before 7/1/91. For injuries occurring on or after 7/1/91, PP benefit determined according to degree of impairment and rate per degree.

Kan. *Additional healing period up to 15 weeks may be allowed. Maximum weekly PP benefit is 75% of SAWW.

Ky. *Maximum weekly PP benefit is 75% of SAWW. Degree of disability is determined by American Medical Association Guide or decrease in earning capacity, whichever is greater.
**Since 1980, an employee sustaining work-related hearing loss is entitled to either functional loss to the body as a whole or occupational disability, whichever is greater. Hearing loss claims receive same treatment as occupational diseases and injuries, with a final determination by the Board as to degree of disability.

La. *Schedule applies to amputation or disability greater than 25%. Supplemental earnings benefits equal 66-2/3% of the difference between AWW (4 weeks prior to injury) and post-injury earnings subject to the maximum earned while disabled. Supplemental earnings benefits are available to those who earn less than 90% of pre-injury wages, maximum 520 weeks, cease 2 years after termination of temporary total disability (unless paid for 13 consecutive weeks during that time) or upon retirement or receipt of Social Security retirement benefits.
**Permanent hearing loss due to single traumatic accident.

Maine *Compensation is based on *AMA Guide to the Evaluation of Permanent Impairment*, first, second, or third edition; or The American Academy of Orthopaedic Surgeon's *Manual for Orthopaedic Surgeons in Evaluating Permanent Physical Impairment.*

Md. *Maximum weekly PP benefit is $82.50 where benefits are payable for less than 75 weeks; 33-1/3% of SAWW where benefits are payable for 75 weeks but less than 250 weeks; and 75% SAWW where benefits are payable for 250 weeks or more.

Mass. *Maximum PP benefit is 100% of SAWW ($515.52 effective 1/1/92). Proportional benefits for partial loss of limbs (fingers, toes).

Mich. *Wage-loss benefits payable for life.
**Hearing loss compensable based on lost earnings.

Minn. *For permanent partial disability, impairment compensation (IC) is paid in lump sum if take job. If no job offer made, economic recovery compensation (ER) is paid weekly. IC equals scheduled dollar amount ($75,000 to $400,000) times percent whole body disability. ER equals percent disability times scheduled number of weeks (600 to 1200 weeks) times weekly TT rate. Concurrent payment of PPD and temporary benefits allowed in certain situations.

Mo. *Maximum weekly PP benefit is 52% of SAWW (55% on 8/28/92); minimum is $40. If amputation or 100% loss of use, additional 10% compensation.
**Occupational hearing loss law provides benefits up to 40 weeks (1 ear) or 148 weeks (both ears).

Mont. *The maximum partial disability benefit is 50% SAWW and terminates on receipt of or eligibility for social Security retirement.

Neb. *Terms run consecutively for loss of, or loss of use of, more than 1 member but less than total disability.
**Permanent total loss of hearing is compensated as permanent total disability.

Nev. *Each 1% of impairment is compensated by .6% of worker's monthly wage up to maximum, payable for 5 years or until age 70, whichever is later. For disability rating of 25% or less, claimant may elect payment in lump sum.

N.H. *Injury to spinal cord and spinal column is compensable for up to 350 weeks if there is a loss of upper or lower extremities. Maximum weekly payment is $633.00, effective 7/1/91.

N.J. *Computations include allowance for amputation of member (30% additional compensation). Compensation is payable weekly at 70% of pre-injury weekly wages, up to a maximum of 55% of SAWW for arm or leg, 45% of SAWW for hand, 40% of SAWW for foot or one eye, 35% of SAWW for hearing—both ears, 20% of SAWW for other scheduled injuries in chart.

N.Y. *Additional weeks for TT in excess of statutory healing period; maximum $280 as of 7/1/90. Compensation for wage-loss in addition to schedule if impairment due to loss of 50% or more of member.

N.C. *For unscheduled injuries, maximum compensation not to exceed $20,000.

N.D. *PP impairment benefit is 33-1/3% of SAWW ($112.00 effective 7/1/91) for a scheduled number of weeks; law provides an additional award of 25% for master extremity loss. Amounts in table for upper extremity include additional 25% award.

Ohio *Maximum weekly PP benefit is 33-1/3% of SAWW, payable for a maximum of 200 weeks at a rate of two weeks for each percentage of the permanent partial percentage.

Okla. *Maximum PP benefit is 50% of SAWW (= $185.00 effective 11/1/90 10/30/93).

Ore. *Calculated at 100% of SAWW per degree for scheduled injury; for unscheduled injuries, 24% of the SAWW for first 96 degrees, 28% for the next 96 degrees, and 71% of the SAWW for degrees in excess of 192.

Pa. *Healing period is 25 weeks for leg or foot; 20 weeks for an arm or hand; 12 weeks for great toe; 10 weeks for thumb, eye, or hearing; 6 weeks for finger or toe.

P.R. *Maximum PP benefit is $65 weekly. Maximum amount for PPD is $12,000.
**Permanent visual disability is compensated according to percentage of total disability; in addition, loss of eye by enucleation, evisceration or extreme atrophy is compensated at an additional 10% of permanent total disability.

R.I. *Maximum scheduled PP benefit is $90.00 weekly. Maximum is 100% of SAWW for unscheduled injury.

Texas *Explanatory footnote for entries concerning Texas—"For injuries occurring before January 1, 1991. For injuries occurring on or after January 1, 1991, there is no schedule of benefits. Partial permanent benefits are paid according to the degree of impairment and the loss of earnings."

Utah *Maximum per week, including allowance for dependents, is 66-2/3% of SAWW.
**Entry presumes total loss of hearing in one ear and no loss of hearing in the other (16-2/3 weeks).

Vt. *In addition to TT except for loss of hearing in 1 ear.

Va. *Benefits for scheduled injuries are payable in addition to compensation for temporary disability. *County of Spotsylvania v. Hart*, 218 Va. 565, 238 S.E.2d 813 (1977). TTD payments continue until claimant is released to return to work at which time award for specific disability may be entered and paid simultaneously with payment for temporary partial benefits.

V.I. *PP benefit is 66-2/3% of SAWW weekly (= $271.00 effective 1/1/92).
**For loss of two or more digits or one or more phalanges of two or more digits on a hand or foot, benefits may be proportioned to the loss of use of the hand or foot.

Wash. *Benefits fixed at amount reflected in chart.

W.Va. *Maximum weekly benefit is 66-2/3% SAWW (= $262.68 effective 7/1/91).

Wis. *Maximum weekly PP benefit is $144 effective 1/1/92.
**Second toe and other toes—$2,880.
***Under occupational hearing loss law, maximum is $31,104/216 weeks for one ear and $47,520/330 weeks for both ears, as of 1/1/92).

Wyo. *PP benefit is 66-2/3% of SAMW for specified months according to degree of impairment.

F.E.C.A. *Includes allowance for dependents. Maximum weekly benefit is $1204.36, effective 1/12/92.

CHART VIII FATALITIES—INCOME BENEFITS FOR SPOUSE AND CHILDREN January 1, 1992

JURISDICTION	PERCENT OF AGES			MAXIMUM WEEKLY PAYMENT		MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	AMOUNT LIMIT[1]		MAXIMUM BURIAL ALLOWANCE
	SPOUSE PLUS CHILDREN	SPOUSE ONLY	ONE CHILD ONLY	SPOUSE PLUS CHILDREN	SPOUSE ONLY			SPOUSE PLUS CHILDREN	SPOUSE ONLY	
ALABAMA	66-2/3	50	50	$385.00*	$385.00*	$106.00*	500 weeks	*$192,500*	*$192,500*	$1,000
ALASKA				700.00*	700.00*	154.00 110.00*	(2,4,**)			2,500
AMERICAN SAMOA	66-2/3	35	35	70.00	36.75	5.25[8]	(2,4)			1,000
ARIZONA	66-2/3	35	25	323.00*	323.00*		(2,4)			3,000
ARKANSAS	66-2/3	35	50	241.93*	241.93*	20.00	(2,4)	(**)	(**)	3,000
CALIFORNIA	66-2/3	66-2/3	66-2/3	336.00*	336.00	224.00	(2)	115,000	95,000	5,000
COLORADO	66-2/3	66-2/3	66-2/3	395.71*	395.71*	98.93*	(2,4,**)			4,000
CONNECTICUT*	66-2/3	66-2/3	66-2/3	737.00**	737.00**	143.00*	(2,3)			4,000
DELAWARE	80	66-2/3	66-2/3	374.86	312.39	104.13*	(2,4)			700**
DISTRICT OF COLUMBIA	66-2/3	50	50	613.09*	613.09*	(*)	(2,4)			1,000
FLORIDA	66-2/3	50	33-1/3	409.00*	409.00*	20.00[8]	(2,3)	100,000	100,000	2,500
GEORGIA	66-2/3	66-2/3	66-2/3	225.00*	225.00*	25.00[8]	400 weeks[2,3]	(**)	*90,000*	5,000
GUAM	66-2/3*	35	35	250.00	131.25	131.25**	(2,4)	100,000	100,000	3,600
HAWAII	66-2/3	50	40	437.00*	327.75*	109.25*	(2,4)	(**)	(**)	5,370***
IDAHO				216.00*	162.00*	162.00*	500 weeks[2]	*108,000*	*81,000*	3,000
ILLINOIS	66-2/3	66-2/3	66-2/3	645.84*	645.84*	242.19*	20 years[2,4,**]	(**)	(**)	4,200
INDIANA	66-2/3	66-2/3	66-2/3	328.00*	328.00*	75.00[8]	500 weeks[2,4]	164,000*	164,000*	6,000*
IOWA	80% of spendable earnings	80% of pendable earnings	80% of spendable earnings	733.00*	733.00*	0.92*	(2,4)			1,000
KANSAS	66-2/3	66-2/3	66-2/3	289.00*	283.00*	25.00	(2,6)	200,000	200,000	3,200
KENTUCKY	75	50	50	285.00*	190.00*	70.65*	(2,4)			4,000
LOUISIANA	65	32-1/2	32-1/2	295.00*	295.00*	75.00*	(2,4)			3,000
MAINE[9]	66-2/3	66-2/3	66-2/3	518.42*	518.42*	25.00**	(2,3)			4,000
MARYLAND	66-2/3	66-2/3	66-2/3	475.00*	475.00*	50.00[8]	(2,4)			2,500**
MASSACHUSETTS	66-2/3*	66-2/3*	66-2/3*	515.52*	515.52*	110.00*	(2,**)	(**)	(**)	2,000
MICHIGAN	80% of spendable earnings	80% of spendable earnings	80% of spendable earnings	441.00*	441.00*	245.00*	500 weeks[2,6,**]	*220,500*	*220,500*	1,500
MINNESOTA* **	66-2/3	50	60	443.00*	443.00*		(**)			2,500
MISSISSIPPI[9]	66-2/3	35	25	227.18	227.18	25.00	450 weeks[2]	102,231	102,231	2,000
MISSOURI	66-2/3	66-2/3	66-2/3	431.26*	431.26*	40.00	(2,**)			5,000
MONTANA	66-2/3	66-2/3	66-2/3	336.00*	336.00*	168.50*	500 weeks[2]	*168,000*	*168,000*	1,400
NEBRASKA	75	66-2/3	66-2/3	265.00	265.00	49.00[8]	(2,4)			2,000
NEVADA	66-2/3	66-2/3	66-2/3	409.16	409.16		(2,4)			5,000
NEW HAMPSHIRE	66-2/3	66-2/3	66-2/3	633.00*	633.00*	168.80*	(2,**)			5,000
NEW JERSEY	70	50	50	409.00*	409.00*	109.00*	(2,**)			3,500
NEW MEXICO	66-2/3	66-2/3	66-2/3	307.30*	307.30*	36.00	700 weeks[2,4]	215,110	215,110	3,000
NEW YORK*	66-2/3	66-2/3	66-2/3	350.00	350.00	30.00	(2,4)			5,000—upstate 6,000—downstate

[1] Amount limits have been computed where not stipulated by law and are shown in italics. Disability payment deducted in all laws, except those of Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, Washington, West Virginia, Wisconsin, Wyoming, F.E.C.A., and Longshore Act.

[2] To child until age 18 (16 in Manitoba, Newfoundland, Northwest Territories, Ontario, Saskatchewan, and Yukon; 19 in Alaska, Oregon (if in high school), and Wyoming; 18 in Michigan and 21 if in school in New Brunswick). If invalid, for duration of invalidity (for 15 years in Wisconsin, for period decedent would have supported child in Newfoundland, Prince Edward Island, and Yukon). If student, to age 21 in Colorado, Indiana, British Columbia, New Brunswick, Prince Edward Island, Saskatchewan, and C.M.S.C.A.; 22 in Arizona, Connecticut, Florida, Georgia, Hawaii, Kentucky, Missouri, Montana, Nevada, North Dakota, South Dakota, Tennessee, and Virgin Islands; 23 in D.C., Kansas, Louisiana, Maine, Maryland, Mississippi, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, F.E.C.A., and Longshore Act; 25 in America Samoa, Arkansas, Delaware, Illinois, Iowa, Minnesota, Nebraska, New Hampshire, Nova Scotia, Ohio, Puerto Rico, Texas, West Virginia, Alberta, and Newfoundland; no age limit in Alaska (4 years only), Massachusetts, Vermont, Manitoba, Northwest Territories, Ontario, and Quebec.

[3] To spouse for life, compensation ceases on remarriage. (Georgia—to spouse until age 65 or 400 weeks, whichever is greater, also ceases upon cohabitation in a meretricious relationship; Maine—if dependency on new spouse is proven.)

[4] To spouse for life; 2 years' lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana, and Iowa) or balance of compensation if less (Indiana, New Mexico, North Dakota, and South Carolina). In Illinois, lump sum is paid upon remarriage only if there were no children at *time of death*.

[5] To spouse for life; 1 year's lump sum upon remarriage.

[6] To spouse for life; cash lump sum on remarriage: Kansas—100 weeks or balance if less; Michigan—$500 or balance if less; Oregon—24 times monthly benefit; Washington—$7,500 or 50% of remaining annuity value if less; Manitoba—$3,600; New Brunswick—1 year's spouse's income; Northwest Territories—$8,712; Nova Scotia—$2,800; Prince Edward Island—$4,200; Yukon—$7,019.

[7] Additional allowance for transportation of body; no maximum except: Texas—not to exceed usual cost of otherwise transporting body from place of death back to place of work; Virginia—$500; Alberta—$500; British Columbia—$686.33 and $686.33 for incidental death expenses; Prince Edward Island—$300; Yukon—$283; C.M.S.C.A.—$300*.

[8] Actual wage if less; Florida—26 weeks or balance, if less.

[9] Spouse receives cash lump sum in addition to other benefits: Maine—$3,000; Mississippi—$250; North Dakota—$300 plus $100 per child; Oklahoma—$10,000 plus $2,500 per dependent (maximum $15,000); Washington—$800; Alberta—$1,100; British Columbia—$1,526.18; Manitoba—$1,305; New Foundland—$26,000 to $77,974.65; Northwest Territories—$1,600; Nova Scotia—$15,000; Ontario—$23,078.28 to $69,234.84; Prince Edward Island—$500; Quebec—$1,177; Saskatchewan—$3,500; Yukon—$1,585; C.M.S.C.A.—$833*.

[10] If no dependents.

[11] To spouse for 5 years or until youngest child reaches the age of 16. Benefits not interrupted upon remarriage.

[12] To spouse for life, regardless of remarriage.

Ala. *Maximum is 100% of SAWW; minimum is 27-1/2% of SAWW, actual wage if less.

Alaska *Maximum is set by statute. For minimum, higher figure reflects amount with wage documents, lower figure reflects amount without wage documents.
**Spousal benefit reduced by 1/3 as of 5 years after worker's death, by 1/2 as of 8 years, and ceases after 10 years; reductions do not apply if spouse is over 52 or permanently and totally disabled. Limited Social Security offset.

Ariz. *Maximum monthly wages are $2,100 effective 7/1/91.

Ark. *Effective 1/1/92.
**Benefits in excess of $75,000 payable from Death and Permanent Total Disability Trust Fund.

Colo. *Maximum is 91% of SAWW; minimum is 25% of maximum.
**Social Security offset.

Conn. *Spouse may not sue employer for loss of consortium if receiving or had been receiving workers compenstion benefits.
**Maximum is 150% of SAWW and minimum is 20% of maximum (80% of average weekly wages if less). Employer funded cost of living increase payable each October. Retroactive death benefits for dependents of deceased employee who was injured on or after 1/1/74 and died no later than 12/31/81.

Del. *Maximum is 80% of SAWW for spouse and children, 66-2/3% of SAWW for spouse only. Minimum for spouse only is 1/3 of maximum for spouse only.
**Additional burial allowance payable on Board approval.

D.C. *Maximum is 100% of SAWW; minimum is 25% of SAWW or 80% of actual earnings, if less. Social Security offset.

Fla. *Maximum is 100% of SAWW. Surviving spouse entitled to tuition benefits at vocational technical center or community college.

Ga. *Weekly benefits increased 20%, not to exceed $20,000, if death of employee was direct result of injury caused by intentional act of employer.
**Greater of 400 weeks or age 65.

Guam *Spouse 35% and each child thereafter 15% of AWW, total not to exceed 66-2/3% of AWW.
**Actual wages if less.

Hawaii *Maximum is 100% of SAWW for spouse and children, 75% of SAWW for spouse only. Minimum is 25% of SAWW.
**Maximum amount for persons other than spouse and children is the maximum benefit times 312.
***Funeral expense is 10 times SAWW, plus burial allowance equal to 5 times SAWW.

Idaho *Death benefit is fixed at 45% of SAWW for spouse plus 5% of SAWW per dependent child up to 3; 30% of SAWW for one child if no dependent spouse.

Ill. *Maximum is 133-1/3% of SAWW; minimum is 50% of SAWW.
**Benefits are $250,000 or 20 years at TT rate, whichever is greater. Child under 18 is entitled to least 6 years' benefits.

Ind. *Effective 7/1/91.

Iowa *Maximum is 200% of SAWW; minimum is based on a gross weekly wage of $1.00.

Kan. *Maximum is 75% of SAWW.

Ky. *Maximum is 75% of SAWW for spouse and children, 50% of SAWW for spouse only. Minimum is 20% of SAWW.

La. *Maximum is 75% of SAWW. Minimum is 20% of SAWW, actual wage if less.

Maine *Maximum effective 7/1/91.
**Minimum does not apply to handicapped person employed by sheltered workshop at time of fatal injury.

Md. *Maximum is 100% of SAWW.
**Additional burial allowance payable on Commission approval; burial allowance allowable within 7 years of injury.

Mass. *Maximum is 100% of SAWW. Annual cost of living increase payable up to 5% for deaths after that date.
**After receiving an amount equal to 250 times SAWW, spouse must prove actual dependence; time and amount limits do not apply to children's benefits.

Mich. *Maximum is 90% of SAWW; minimum is 50% of SAWW.
**500-week limit does not apply to children.

Minn. *Maximum is 100% of SAWW.
**Government survivors' benefits offset. During dependency of children, then 10 years' benefits.
***For unrelated death while decedent was receiving permanent partial disability, impairment compensation or economic recovery compensation benefits, benefits continue to surviving spouse and children until completed or until 10 years after dependency, whichever is earlier.

Mo. *Maximum is 105% of SAWW.
**4 years' benefits payable to child on active duty in armed forces at age 18 who enrolls in school prior to age 23.

Mont. *Maximum is 100% of SAWW; minimum is 50% of SAWW, actual wage if less.

Nev. *Maximum is 100% of SAWW.

N.H. *Maximum is 150% of SAWW; minimum is gross SAWW, but not to exceed after-tax earnings.
**On remarriage, the unpaid balance otherwise due is payable to parent or guardian for the children's benefit.

N.J. *Maximum is 75% of SAWW; minimum is 20% of SAWW.
**After 450 weeks, spouse's earnings are deducted.

N.M. *Maximum is 85% of SAWW.

CHART VIII ☐ FATALITIES—INCOME BENEFITS FOR SPOUSE AND CHILDREN ☐ January 1, 1992 (continued)

JURISDICTION	PERCENT OF WAGES			MAXIMUM WEEKLY PAYMENT		MINIMUM PER WEEK SPOUSE ONLY	TIME LIMIT	AMOUNT LIMIT[1]		MAXIMUM BURIAL ALLOWANCE
	SPOUSE PLUS CHILDREN	SPOUSE ONLY	ONE CHILD ONLY	SPOUSE PLUS CHILDREN	SPOUSE ONLY			SPOUSE PLUS CHILDREN	SPOUSE ONLY	
NORTH CAROLINA	66-2/3	66-2/3	66-2/3	$ 426.00*	$ 426.00*	$30.00	(2,3**)			$2,000
NORTH DAKOTA[9]	66-2/3*	(*)	(*)	(*)	210.00*	105.00	(2,4)	(*)	$197,000	2,500
OHIO	66-2/3	66-2/3	66-2/3	443.00*	443.00*	221.50*	(2,4)			3,200
OKLAHOMA[9]	66-2/3	50	35	246.00*	184.37*	30.00[8]	(2,4)			3,000[10]
OREGON				572.93*	286.49*	286.49*	(2,6)			3,000
PENNSYLVANIA	66-2/3	51	32	455.00*	455.00*	227.50*	(2,4)			1,500
PUERTO RICO	85	50	60	46.15*	36.92*	17.30*	(2,4**)			1,000
RHODE ISLAND	80	66-2/3	66-2/3	(*)	427.00*		(2,3)			5,000
SOUTH CAROLINA	66-2/3	66-2/3	66-2/3	379.82*	379.82*	75.00[8]	500 weeks[2]	*189,910*	*189,910*	2,500
SOUTH DAKOTA	66-2/3	66-2/3	66-2/3	(*)	308.00*	154.00*	(2,4)			3,000[7]
TENNESSEE	66-2/3	50	50	294.00*	294.00*	35.00*	(2,3)	109,200*	109,200*	4,500
TEXAS	75	75	75	428.00*	428.00*	64.00	(2,4)			2,500[7]
UTAH	66-2/3*	66-2/3	66-2/3	321.00*	321.00*	45.00[8]	(2**)			1,800
VERMONT	76-2/3	66-2/3	71-2/3	592.00*	592.00*	198.00*	(2**)			2,000
VIRGIN ISLANDS				(*)	(*)	(*)	(2)	16,500*	16,500*	800[10]
VIRGINIA	66-2/3	66-2/3	66-2/3	418.00*	418.00*	104.50*	500 weeks[2]	*202,000*	*202,000*	3,000[7]
WASHINGTON[9]	70	60	35	435.57*	435.57*	46.25	(2,5)			2,000
WEST VIRGINIA	70	70	70	394.02*	394.02*	131.34*	(2,3)			3,500
WISCONSIN	66-2/3	66-2/3	66-2/3	450.00**	450.00**	30.00	(***)	*135,000*** **	*135,000*** **	1,750
WYOMING				(*)	261.35*	261.35*	(*)	(*)	(*)	1,800**
F.E.C.A.	75*	50	40	1,155.84**	1,204.36*	186.13**	(2,4***)			1,800****
LONGSHORE ACT	66-2/3	50	50	682.14*	699.96*	174.99*	(2,4)			3,000
ALBERTA[1]	90% of weighted net income	90% of weighted net income		2,197.49	(*)	945.00	5 years[2]			3,650***
BRITISH COLUMBIA[1]			40	(*)	(*)	(*)	(2,4)			2,058.96[7]
MANITOBA[1]	90% of net earnings	90% of net earnings		875.00*	875.00*	188.32*	(2,6)	33,000	33,000	5,000
NEW BRUNSWICK	80% of average net income	80% of average net income		(*)	(*)	(*)	Age 65[2,6]			1,134[7]
NEWFOUNDLAND	90% of net earnings	90% of net earnings	(*)	(*)	(*)	(*)	(2)			1,500[7]
NORTHWEST TERRITORIES[1]				(*)	253.84*	253.84*	(2,5)			1,600[7]
NOVA SCOTIA[1]	(*)	(*)		519.23	519.23	147.11**	(2,6)			4,000
ONTARIO[1]	90% of Net Average Income	20% to 60% of Net Average Income, depending on age of surviving spouse	30% of Net Average Income	664.28	479.76	56.27	(2,12)			1,990.34
PRINCE EDWARD ISLAND[9]	(*)	(*)		(*)	(*)	(*)	(2,6)			900[7]
QUEBEC[1]	(*)	(*)	(*)	(*)	(*)	(*)	(2,3)			2,050
SASKATCHEWAN	90% of net income	90% of net income		(*)	582.00	237.91	5 years[2**]			3,500[7]
YUKON TERRITORY[1]				(*)	(*)	(*)	(2,6)			1,817[7**]
CANADIAN MERCHANT SEAMEN'S ACT[1]				1,451.92*	1,451.92*	1,451.92[8]	(2*)			1,873.75[7*]

N.C. *Maximum is 110% of SAWW
**Payable for life if spouse disabled at time of decedent's death

N.D. *Maximum $210 plus $10 per dependent child under 18 or 22 if in school. Payments on behalf of children are not subject to amount limit; minimum 50% of maximum weekly death benefit. Effective 7/1/85, claimants receiving death benefits between 7/1/80 and 7/1/85 are eligible for supplemental benefits not less than $100 per week

Ohio *Maximum is 100% of SAWW; minimum is 50% of SAWW

Okla. *Maximum is 66-2/3% of SAWW

Ore. *Monthly spousal benefit is fixed at 66-2/3% of SAWW x 4.35 for spouse with no children ($1,244.91 for 1991-92) and fixed at 50% of SAWW x 4.35 for spouse with children ($934.62 for 1991-92), up to monthly maximum; maximum is 133-1/3% of SAWW x 4.35 ($2,491.69 for 1991-92). Upon remarriage, surviving spouse receives 24 times the monthly benefit in lump sum final payment

Pa. *Maximum is 100% of SAWW, minimum is 50% of SAWW

P.R. *Maximum for spouse and children is $200 monthly, for spoure only, $160 monthly. Minimum is $75 monthly
**540-week limit inapplicable to spouse and children

R.I. *Maximum is 100% of SAWW plus $15 per dependent child. Annual cost of living increase of 4% on anniversary

S.C. *Maximum is 100% of SAWW

S.D. *Maximum is 100% of SAWW, minimum is 50% of SAWW, actual wage if less. Additional $50 monthly is payable for each dependent child through age 18

Tenn. *7/1/91

Texas *Maximum is 100% of SAWW. Minimum is 15% of SAWW

Utah *Additional allowance for dependents is $5 for spouse plus $5 for dependent child (up to 4). Maximum (including dependents' allowance) is 85% of SAWW
**After 312 weeks payments are continued only after annual review. Receives same payment minus 50% Social Security payment. Balance of 312 weeks or 52 weeks is payable to spouse upon remarriage, whichever less

Vt. *Maximum is 150% of SAWW, minimum is 50% of SAWW, actual wage if less
**To spouse until age 62 or when entitled to Social Security; balance of 330 weeks, if any, is payable on remarriage

V.I. *Death benefit is $12,500 to $16,500, payable in installments or lump sum, 60% is payable to children, if any. Amount limit includes amounts paid for disability

Va. *Maximum is 100% of SAWW, minimum is 25% of SAWW, actual wage if less

Wash. *Maximum monthly benefit is 100% of state average monthly wage

W. Va. *Maximum is 100% of SAWW; minimum is 33-1/3% of SAWW

Wis. *Surviving parents receive benefit of $6,500
**Maximum is 100% of SAWW. Benefits are payable at same interval at which employee was paid, or if this is not feasible, then weekly. Commission may order that a partial lump sum be paid
***If death follows disability, total time limit for disability plus death is 1,000 weeks
****Amount limit is 300 times SAWW. When primary benefit expires, a supplementary monthly benefit continues for children at 10% of the spouse's monthly benefit, payable from the Children's Fund, to age 18 or for 15 years if invalid

Wyo. *Monthly benefit is fixed at 66-2/3% of state average monthly wage (SAMW = $1,132.50) plus $100 monthly per child until age 19 (21 if invalid or emancipated). After 54 months, hearing examiner may continue payments at 33-1/3% of state average monthly wage for 12 months and may be renewed
**Employer may make other arrangements

F.E.C.A. *2 or more children
**Benefits effective 1/15/92
***Spouse who remarries after age 55 continues to receive monthly benefits
****Additional $200 lump sum payable for cost of terminating status as U.S. employee

Longshore *Effective 10/1/91 (200% NAWW). Benefits shall not exceed lesser of employee's weekly wage or $699.96. Minimum is 50% of NAWW, actual wages if less. Death benefits not payable if employee receiving PP benefits dies from causes other than compensable injury

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Alta. *Reflects monthly payment
**When date of accident is on or after September 1, 1991

B.C. *Including Canada pension, maximum monthly benefit for spouse with 2 children is $3,000, plus $222.98 for each additional child over 2. Maximum monthly benefit for spouse with 1 child is 85% of $2,550. Maximum monthly benefit for childless spouse over 40 is a sliding scale. In 1992, it starts at $720.53 at age 40 and goes up 1/11th for each year, ending at $1,800.00 at age 60

Man. *Spouse entitled to lump sum from $27,500 to $45,500, dependent on age of worker at death (reduced 2% for each year worker over 45 at death) plus monthly payments equal to 90% of worker's net average earnings less amounts payable to other dependents. Monthly payments are payable for 60 months (24 months if spouse 63 or older at death of worker) or until youngest child attains 18 years. There is an extension of monthly payments for hardship cases. Thore are monthly payments of $250 per child (maximum $1,000 per month). Payments for orphans are $500 per month (maximum $2,000 per month) with provision for payment to other dependents of not more than $250 for each dependent (maximum $1,000 for such dependents). The maximum burial allowance is $5,000

N.B. *Spouse receives monthly benefit based on 80% of family income, less Canada pension. Maximum benefit is 150% of Industrial Aggregate Earnings ($35,400 for 1990)

Nfld. *Spouse receives lump sum. Additional monthly benefits vary as to age and/or youngest child reaching 16. For all dependent spouses, marriage results in payment of lesser of $5,000 or aggregate of one year's payments. Effective 1/1/90, dependency benefits for injuries before 1/1/89 increased to 5.1%. Subject to yearly maximum of $45,500

N.W.T. *Fixed monthly benefit is $1100 plus $250 monthly per child

N.S. *Benefits include $15,000 lump sum payment. Lifetime pension based on 75% of client's gross average income, determined as if client suffered a PT disability. Funeral expenses up to $4,000; rehabilitation services such as educational grants; dependent children paid $184.00 per month thru age 18, or to age 25 if still in school

Ont. *Ontario lump sum payment is determined on a sliding scale depending on the age of the surviving spouse with a maximum of $79,613.97 and a minimum of $26,537.98

P.E.I. *Effective 4/1/90, fixed monthly benefit is $550 plus $125 monthly per child. Surviving spouse also receives lump sum payment

Quebec *Spouse entitled to lump sum from $68,362 to $133,500. In addition, spouse entitled to monthly income replacement indemnity equal to 55% of employee's pre-injury wages (maximum $1,352.11). This indemnity is payable for a period of 1 to 3 years according to age of surviving spouse, plus $343.00 monthly for each minor child. Lump sum of $12,306.00 to child of age under 25 who is full time sudent

Sask. *Varies in accordance with the number of dependents

Yukon *Fixed monthly benefit is $1,132 plus $339 monthly per child
**Additional burial expenses of $1,585

C.M.S.C.A. *At time of publication amounts were pending final approval

CHART IX WAITING PERIOD FOR INCOME BENEFITS; MEDICAL BENEFITS January 1, 1992

JURISDICTION	WAITING PERIOD[1]	RETROACTIVE PERIOD	MEDICAL BENEFITS				
				CHOICE OF PHYSICIAN[2]			
			UNLIMITED[3]	EMPLOYER	EMPLOYEE	ARTIFICIAL APPLIANCES FURNISHED	SPECIAL PROVISIONS
ALABAMA	3 days*	3 weeks	Yes	Initial choice	(**)	Yes	Employer must replace appliances damaged in work-related accident and provide physical and vocational rehabilitation.
ALASKA	3 days	4 weeks	Yes		Yes	Yes	Injury includes damages to eyeglasses, dentures, hearing aids, or any prosthetic devices.
AMERICAN SAMOA	3 days	2 weeks	Yes			Yes	
ARIZONA	7 days	2 weeks	Yes		Yes	Yes	Prayer or spiritual treatment by agreement.
ARKANSAS	7 days	2 weeks	Yes*	Agency may change	Agency may change	Yes	Spiritual treatment by agreement.
CALIFORNIA	3 days*	14 days*	Yes		If notification is given to employer prior to the injury	Yes	Includes x-ray reports, medical reports, and testimony and laboratory fees reasonably required to prove a claim.** If requested, an employee may change physicians at any time, one time only.
COLORADO	3 days	2 weeks	Yes	Agency may change*		Yes	Employer must repair/replace appliances damaged in a compensable injury.
CONNECTICUT	3 days	1 week	Yes		From state list	Yes*	Worker compensated for time lost due to medical attention. Employer must repair or replace appliances damaged in employment, must also repair or replace eyeglasses, contact lenses, hearing aids, or dentures where injury to face or head. Prayer or spiritual treatment with Commissioner's approval.
DELAWARE	3 days*	7 days*	Yes		Yes	Yes	Employer must replace prosthesis and furnish hearing aids as needed.
DISTRICT OF COLUMBIA	3 days	2 weeks	Yes		From state list	Yes	Spiritual treatment by agreement.
FLORIDA	7 days	21 days	Yes*	Yes		Yes	Injury includes damage to dentures, eyeglasses, and prosthetic devices in conjunction with accident. Employer must provide custodial care.
GEORGIA	7 days	21 days	Yes	Agency may change	From employer list	Yes*	Employee may be examined (at employer's expense) by physician of his choice within 60 days of receiving any income benefits.
GUAM	3 days	14 days	Yes			Yes	
HAWAII	3 days		Yes		Yes	Yes	Maximum monthly attendant's allowance—4 times SAWW.
IDAHO	5 days*	2 weeks*	Yes	Yes		Yes	Christian Science treatment permitted.
ILLINOIS	3 days*	2 weeks	Yes		Yes	Yes	Spiritual treatment by agreement. Employer must repair/replace appliances damaged in compensable accident.
INDIANA	7 days	3 weeks	Yes	Yes		Yes	Employer pays reasonable expenses, including travel, food, and lodging, for treatment outside county. Spiritual treatment by agreement. Employer must replace artificial members when medically required.
IOWA	3 days*	2 weeks	Yes	Yes		Yes	Employer must repair or replace appliances.
KANSAS	7 days	3 weeks	Yes	Yes	(*)	Yes	Prayer or spiritual treatment by agreement.**
KENTUCKY	7 days	2 weeks	Yes		Yes	Yes	
LOUISIANA	7 days	6 weeks	Yes		Yes	Yes	Employer must repair/replace appliances.
MAINE	3 days*	2 weeks	Yes**		Yes	Yes	Chiropractic services authorized. Prayer or spiritual means of treatment by an accredited practitioner.
MARYLAND	3 days	2 weeks	Yes	Yes		Yes	Employer must repair/replace appliances. If employer or insurer fails to pay for treatment or services mandated within 45 days, Commission may assess a fine of more than 20% of approved charges. Also, subject to interest.
MASSACHUSETTS	5 days	6 days	Yes		Yes	Yes	
MICHIGAN	7 days	2 weeks	Yes	Initial choice*		Yes	
MINNESOTA	3 days	10 days	Yes	Agency may change	Yes	Yes	Christian Science treatment by agreement. Chiropractic and podiatric treatment authorized.
MISSISSIPPI	5 days	2 weeks	Yes		Yes	Yes	
MISSOURI	3 days	2 weeks	Yes	Agency may change		Yes	Prayer or spiritual treatment by agreement. Chiropractic care authorized.
MONTANA	6 days 48 hours*		Yes		Yes	Yes	Insurer must replace/repair prescription eyeglasses or contact lenses, prescription hearing aids and dentures, damaged or lost as a result of injury. Employer must pay reasonable travel expenses for claimant's medical visits. Medical benefits terminate when not used for a period of 60 consecutive months.
NEBRASKA	7 days	6 weeks	Yes		Yes	Yes	Employer must replace appliances damaged due to compensable injury. Employer must provide plastic surgery for disfigurement.
NEVADA	5 days*	5 days*	Yes		Yes	Yes	Spiritual treatment permitted.
NEW HAMPSHIRE	3 days	14 days	Yes		Yes	Yes	Commissioner will adopt a medical fee schedule by 7/1/93.
NEW JERSEY	7 days	8 days	Yes*	Yes		Yes	Hospital care must be semi-private, if available. Chiropractic and psychological services provided.
NEW MEXICO	7 days	4 weeks	Yes	Yes		Initial Choice*	Claimant may not refuse treatment reasonably essential to provide recovery.***
NEW YORK	7 days	2 weeks	Yes		From state list	Yes	Employer liable for X-rays, special diagnostic tests, consultations and providing prosthetic devices. Chiropractic, dental, psychological, podiatric, nurse and midwife care may all be authorized.*
NORTH CAROLINA	7 days	3 weeks	Yes	Yes	Agency may change	Yes	Employer must repair/replace appliances damaged in compensable accident. Medical care includes rehabilitation services.
NORTH DAKOTA	5 days*	5 days*	Yes		Yes	Yes	Employee has first choice of treating doctor; however, Bureau can redirect to different doctor through managed care program, effective 7/1/91.

[1] If disability continues for longer than stated periods, compensation is paid for the waiting period. Waiting periods do not apply to medical care, which is furnished from the first day of injury.

[2] Information supplied by Division of State Workers' Compensation Programs, U.S. Department of Labor.

[3] Many states have introduced medical fee schedules to control payments made to providers for medical care under the workers's compensation programs. Medical benefits remain "unlimited" in those states indicated, but employers and insurers are only liable for the amounts set forth in the medical fee schedule. Employees cannot be held accountable for any amount charged above and beyond the medical fee schedule.

Ala. *Temporary disability only.
**Employee can select second physician from a panel selected by employer. Employer or employee may select initial physician for physical rehabilitation.

Ark. *Employer liability may cease 6 months after injury where no time is lost from work, or 6 months after claimant returns to work, or maximum $10,000 has been paid unless the employer waives rights or the Commission extends time and dollar limits.

Calif. *Waiting period also terminated by hospitalization.
**Psychologists included within definition of physician and treatment permitted. Personal chiropractor allowed if employee has previously notified employer that chiropractic treatments were being rendered.

Colo. *Director maintains a list of physicians who serve as a medical review panel and that will perform independent medical exams upon any request by a party to a workers' compensation proceeding.

Conn. *By court decision, *Olmstead v. Lamphier*, 93 Conn. 20, 104 A. 488 (1918).

Del. *No waiting period if incapacity results in hospitalization or is caused by amputation of member.

Fla. *Peer group of health care providers reviews cases where medical expenses exceed $20,000 to see if care was appropriate and reasonable. Expenses subject to a medical fee schedule.

Ga. *Included in total amount allowed for medical care.

Idaho *Waiting period also terminated by hospitalization.

Ill. *Temporary total disability only.

Iowa *No waiting period for permanent partial disability.

Kan. *Employee may consult a physician of his own choice at any time but employer is only liable for fees and charges up to $350.
**Director must adopt rules which establish a maximum medical fee schedule, subject to approval of an advisory panel. Fee schedule to be reviewed annually.

Maine *Firemen are exempt from waiting period and receive compensation from date of disability.
**Subject to a medical fee schedule.

Mich. *Employer may choose physician for first ten days of treatment, thereafter, the employee may choose own physician by giving notice to employer.

Mont. *Waiting peirod refers to number of days (hours) on which a worker has lost wages and is totally disabled and unable to work.

Nev. *Waiting period and retroactive period is at least 5 consecutive days or 5 cumulative days within a 20-day period.

N.D. *Only scheduled work days lost in the first five are paid if disability period is 14 days or less; all five days are paid if disability is 15 days or more.

N.J. *Employer liability ceases after $100 has been paid for medical care; employee must petition for further treatment.

N.M. *Employer chosen physician treats injured worker for first 60 days. Employer, however, may allow employee to select own physician instead.
**By court decision, *Brooks vs. Employers National Insurance Co.*, 688 P.2d. 25 (1984).
***A schedule of maximum allowable payments for non-hospital medical services was adopted 1/1/92. A cost-to-charge ratio for payment of hospital charges was established 4/1/91.

N.Y. *Employer must if damaged.

CHART IX ☐ WAITING PERIOD FOR INCOME BENEFITS; MEDICAL BENEFITS ☐ January 1, 1992 (continued)

			MEDICAL BENEFITS				
				CHOICE OF PHYSICIAN[2]			
JURISDICTION	**WAITING PERIOD**[1]	**RETRO-ACTIVE PERIOD**	**UNLIMITED**[3]	**EMPLOYER**	**EMPLOYEE**	**ARTIFICIAL APPLIANCES FURNISHED**	**SPECIAL PROVISIONS**
OKLAHOMA	7 days	3 weeks	Yes	Court may change	Yes	Yes	Employer must repair/replace appliances. Special provisions for hernias.
OREGON	3 days	2 weeks	Yes*		Yes**	Yes	Spiritual treatment by agreement. Employer must pay for medical exam and related services. Insurer/employer may provide medical treatment through an approved Managed Care Organization.
PENNSYLVANIA	7 days	2 weeks	Yes	Initial choice*		Yes	
PUERTO RICO	(*)	10 days	Yes**	State agency		Yes***	When permanently and totally disabled, Administrator will provide orthopedic girdle, crutches, cane, wheelchair, hospital bed, and other equipment necessary.
RHODE ISLAND	3 days	2 weeks	Yes*		Yes	Yes	
SOUTH CAROLINA	7 days	2 weeks	Yes	Yes		Yes	
SOUTH DAKOTA	7 days*	8 days	Yes		Yes	Yes	Employer must repair/replace appliances damaged in compensable accident.
TENNESSEE	7 days	2 weeks	Yes		From employer list	Yes	Provides for nursing services, treatment by chiropractors.
TEXAS	7 days	4 weeks	Yes*		Yes**	Yes	
UTAH	3 days	2 weeks	Yes	Agency may change*		Yes	$1,800 limit for each artificial appliance, except unusual cases.
VERMONT	3 days*	10 days	Yes	Agency may change		Yes	Injury includes damage to and cost of replacement of eyeglasses, hearing aids, and prosthetic devices. Employer must not withhold any wages from an employee is the employee's absence is for an examination or treatment of a work injury.
VIRGIN ISLANDS	1 day	1 day	$40,000		Yes, agency may change	Yes	$75,000 amount limit if treatment outside Virgin Islands.
VIRGINIA	7 days	3 weeks	Yes		From employer list	Yes	Employer must repair/replace appliances damaged in compensable accident. Employer may be ordered to furnish wheelchair and make alterations to home, maximum $25,000.
WASHINGTON	3 days	2 weeks	Yes		Yes	Yes	Employees pay half of medical aid premiums. Department will replace/repair appliances damaged in compensable accident.
WEST VIRGINIA	3 days	1 week	Yes*		Yes	Yes	Payment for prosthetic/orthotic appliances will not be made until appliance is deemed serviceable. Repair or replacement of glasses damaged in an accident not paid for unless there was compensable injury.
WISCONSIN	3 days	1 week	Yes		Yes	Yes	Repair and replacement of appliance is limited to normal wear and tear. Dental care, eyeglasses and hearing aids are also covered. Repair and replacement of eyeglasses and hearing aids not paid for unless damaged in a compensable accident. Employer or insurer may request that a physician examine injured employee to determine reasonableness of claim.
WYOMING	3 days	8 days	Yes		Yes	Yes	
F.E.C.A.	3 days*	14 days	Yes		Yes	Yes	Additional amount (up to $1500) monthly for medical attendant.
LONGSHORE ACT	3 days	2 weeks	Yes		Labor Secretary may change	Yes	Consent for specialist, if needed. Spiritual treatment permitted.
ALBERTA	1 day	1 day	Yes		Yes	Yes	Appliances repaired or replaced by Board. Board may repair or replace garment damaged in compensable accident. Clothing allowance for wear due to prosthetic or wheelchair—up to $200 per year for upper body and $300 per year for lower body. Attendance allowance—$432 to $1,521 per month, plus independence allowance of $125 per month.
BRITISH COLUMBIA	1 day		Yes		Yes	Yes	Appliances repaired or replaced at Board's discretion, regardless of personal injury (includes eyeglasses, dentures, and hearing aids unless worker is at fault). Board may provide eyeglasses for serious visual impairment caused by work injury. Personal care allowance—maximum $43.50/day. Annual clothing allowance for wear due to prosthesis—$207 for upper limb, $415 for lower limb, $577 for both.
MANITOBA	1 day	1 day	Yes		Yes	Yes	Medical aid includes repair or replacement of appliances, including eyeglass, contact lenses, and clothing. Clothing allowance for deterioration of clothes caused by prosthesis.
NEW BRUNSWICK	1 day	1 day	Yes		Yes	Yes	Medical aid includes repair or replacement of appliances. Clothing allowance for wear due to prosthesis is up to $428 annually. Care allowances from $120 to $400 monthly.
NEWFOUNDLAND	1 day	(*)	Yes	No	Initially yes, should consult Commission before changing	Yes	Commission may repair or replace appliances and may pay daily allowance for treatment away from home. Clothing allowance for wear due to prosthetic device—$150 to $500 annually. Personal care allowance—$100 to $1,250 monthly.
NORTHWEST TERRITORIES	1 day	1 day	Yes		Initial choice	Yes	Clothing allowance for wear due to prosthetic device—$100. Board may repair/replace appliances damaged in a compensable accident.
NOVA SCOTIA	3 days*	3 days	Yes	Yes**	Yes	Yes	Attendant's allowance—$300 monthly. Clothing allowance for wear due to prosthetic device—$350 per year. Board may repair or replace appliances, and renew eyeglasses (replaced if damaged in work-related accident).
ONTARIO	1 day	(*)	Yes		Initial choice	Yes	No maximum attendance allowance, payment will be actual cost. Clothing allowance for wear due to prosthetic device—$244.15 for upper extremity and $448.31 for lower extremity.**
PRINCE EDWARD ISLAND	1 day	1 day	Yes		Initial choice	Yes	Appliances repaired or replaced at Board's discretion. Clothing allowance for wear due to prosthetic device, for para- and quadriplegics is $214 annually.
QUEBEC	Day of injury*		Yes		Yes	Yes	Commission may repair/replace prosthesis damaged in course of employment. Additional clothing allowance for wear due to prosthetic device—$411. Attendance allowance—$274 to $1,093.
SASKATCHEWAN	(*)	(*)	Yes		Yes	Yes	Clothing allowance for wear due to prosthetic device—$182 for arm, $402 for leg. Personal care allowance—$273 to $1,376.
YUKON TERRITORY	1 day	1 day	Yes		Yes	Yes	Clothing allowance—$149 for upper limb and $303 for lower limb. Personal care allowance—$7.00 to $24.00 per day, independence allowance $100 per month.
CANADIAN MERCHANT SEAMEN'S ACT	3 days	3 days	Yes		Yes	Yes	Employer must keep appliances in repair or replace, at Board's discretion.

Ore. *Costs subject to medical fee schedule, as determined by Director. Treatment may be restricted to MCO plan. Limitations on paliative care.
**May choose physician within state. Allowed 2 changes; changes thereafter require Director's approval. If governed by MCO, treatment and choice may be restricted to plan.

Pa. *Only if a list of at least 5 physicians or other licensed practitioners of the healing arts, or combination thereof is posted, and for the first 14 days of treatment.

P.R. *Compensation paid from day of first medical treatment.
**Limitations on paliative treatments. *Sergio Torres Garcia v. State Insurance Fund*, June 30, 1981, P.R. Supreme Court.
***Only in cases of permanent total disability.

R.I. *Non-hospital costs subject to medical fee schedule, to be updated annually, as determined by the director in consultation with selected others.

S.D. *Consecutive days.

Texas *Medical charges subject to medical fee guidelines.
**Effective 1/1/93, employee will choose physician from a commission-approved list and will be allowed one change of physician.

Utah. *Employee is allowed one change of physician.

Vt. *Total disability pay.

W.V. *Costs subject to medical fee schedule, updated periodically.

F.E.C.A. *Waiting period begins running after 45 days' "continuation of physician from a commission-approved list and will be allowed one change of physician.

Nfld. *Employer payment for day on which accident occurs.

N.S. *No waiting period for permanent partial disability.
**If so required by his employer.

Ont. *Employer must pay wages and benefits for day of injury.
**Compensation payable during disability caused by damage to prosthetic device.

Quebec *Employer must pay wages and benefits for day of injury.

Sask. *Compensation not paid for the day on which the accident occurs.

CHART X

REHABILITATION OF DISABLED WORKERS

January 1, 1992

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
ALABAMA	No fund established	Board, lodging, and travel, if away from home	Physical and vocational rehabilitation to restore employee to gainful employment furnished at employer's expense. Employee's refusal results in loss of compensation.
ALASKA	No fund established	Board, lodging, travel, and temporary disability benefits.	Employer pays full cost, on an expense incurred basis, not to exceed $10,000. Benefits may not extend past two years from date of reemployment plan approval. Reemployment benefits suspended for unreasonable failure to participate in approved or agreed plan.
AMERICAN SAMOA	Second Injury Fund	$10 weekly paid by employer plus maintenance from Special Fund.	Commission arranges for vocational rehabilitation of permanently disabled workers.
ARIZONA	Appropriations annually from general fund up to 2% of annual premium.	Commission may authorize additional necessary awards to persons undergoing vocational rehabilitation.	Vocational rehabilitation trainees considered an employee at $200 monthly wage rate for compensation benefits.
ARKANSAS	No fund established	Reasonable expenses for maintenance, travel, and other necessary costs for 60 weeks maximum.	Must apply to Commission. Commission may authorize vocational rehabilitation if reasonable in relation to disability, but worker may refuse.
CALIFORNIA	No fund established	During rehabilitation, necessary living expenses plus either a maintenance allowance not exceeding $246/week, and may be supplemented up to temporary disability maximum, if medical condition has not become permanent and stationary. If employee fails to cooperate with rehabilitation service's plan, he will not receive maintenance allowance for days of non-cooperation.	Rehabilitation unit in Office of Benefit Determination. Rehabilitation program is compulsory on part of employer or carrier. Rehabilitation trainee is considered employee of training employer for insurance purposes.
COLORADO	No fund established for vocational rehabilitation	Maintenance, tuition, and transportation during 26 weeks.	Period of time may be extended another 26 weeks if necessary. Employee cannot receive disability benefits and maintenance simultaneously. If totally disabled employee refuses suitable employment or vocational rehabilitation, PT benefits will not be awarded.*
CONNECTICUT	2% tax upon compensation paid by insurers and self-insurers	Weekly subsistence allowance during vocational rehabilitation.	Employer pays full cost of medical rehabilitation, which continues until employee reaches maximum improvement. Vocational rehabilitation is furnished by Bureau of Workers' Compensation in the Department of Human Resources.
DELAWARE	No fund established	Reasonable board, lodging, and travel	Physical and vocational rehabilitation furnished at employer's expense. Employee's refusal results in loss of compensation.
DISTRICT OF COLUMBIA	No fund established	Not exceeding $50 per week.	Employer must provide vocational rehabilitation. Benefits forfeited if worker fails to cooperate.
FLORIDA	Payments from Special Fund and assessments upon insurers and self-insurers	Reasonable board, lodging, and travel, if away from home	Privately provided rehabilitation is voluntary. The Division of Workers' Compensation shall pay for evaluations for appropriate training and education, and for the training and education itself*. Carriers may pay 26 to 52 weeks of rehabilitation temporary total disability payments. Refusal to accept rehabilitation deemed necessary by judge of compensation claims results in automatic 50% reduction in compensation for each week of refusal.
GEORGIA	No fund established	Reasonable board, lodging, and travel, if away from home.	Vocational rehabilitation furnished for 26 weeks but may be extended if necessary. Employee's unreasonable refusal may result in suspension of compensation.
GUAM	State fund (appropriation)	$50 per week in addition to other compensation	Commission directs the vocational rehabilitation of permanently disabled employees and arranges with the appropriate public or private agencies for such education.
HAWAII	No fund established	Board, lodging, travel, tuition, books, and basic materials in addition to compensation.	Rehabilitation unit within Department of Labor and Industrial Relations makes recommendation for physical or vocational rehabilitation. Director approves services and reviews progress.
IDAHO	7% tax on insurers and self-insurers	Reasonable expenses for maintenance and travel	Rehabilitation Division administers. Temporary disability benefits payable up to 104 weeks where retraining required.
ILLINOIS	No fund established	Maintenance costs and incidental expenses	Physical, mental, and vocational rehabilitation as may be necessary. Institutional care, if required.
INDIANA	No fund established		Vocational rehabilitation available to any injured employee unable to attain gainful employment, due to an occupational disease or injury.
IOWA	No fund established	$20 weekly in addition to other compensation for 13 weeks.	May be extended additional 13 weeks. Medical care includes physical rehabilitation.
KANSAS	No fund established	Employer must pay reasonable board, lodging, and travel up to $3,500 for a 36-week period and may be required to pay up to $2,000 more, if necessary.	Employer or carrier must refer certain employees to an approved rehabilitation vendor for vocational evaluation. Employer must provide up to 36 weeks (may be extended an additional 36 weeks). Disability payments suspended for worker's refusal to participate in rehabilitation. After 90 days refusal, Director may reduce compensation to not less than PPD payments.
KENTUCKY	No fund established	Board, lodging, and travel, if away from home	Unlimited medical rehabilitation; vocational rehabilitation up to 52 weeks (may be extended). Employee's refusal results in loss of 50% of compensation.
LOUISIANA	No fund established	Board, lodging, and travel paid by employer or carrier.	Employer or carrier provides up to 26 weeks of vocational rehabilitation, extendable another 26 weeks. Benefits reduced 50% for refusal of necessary rehabilitation.
MAINE	Employment Rehabilitation Fund*	Tuition, books, fees, and sum for sustenance and travel not to exceed 25% of SAWW. Employees injured before 6/30/85 may receive additional $35 weekly. Job training included as necessary.	Office of Employment Rehabilitation monitors cases. Employer must file report within 120 days of injury if employee has not returned to employment. Benefits suspended if employee does not comply with program. Employer's obligation to reinstate employee continues until 1 year or 2 years if more than 250 employees, after employee reaches maximum medical improvement. Employees who have not had a rehabilitation plan developed for them, and were injured on or after 11/20/87, may be entitled to rehabilitation.**
MARYLAND	No fund established	Up to $40 weekly paid by employer.	Workers' Compensation Commission investigates claims and reports of disability for referral to State Department of Vocational Rehabilitation or to a private vendor. Employee is entitled to rehabilitation services with TT benefits. Employee entitled to 24 months of vocational rehabilitation. Employee's unreasonable refusal results in loss of compensation. Employer pays compensation for temporary total disability plus expenses of vocational assessment and rehabilitation.
MASSACHUSETTS	No fund established. Paid the same as compensation by employer or insurer.	Office of Education and Vocational Rehabilitation may approve room, board, and travel expenses for 52 weeks.	Necessary cost of rehabilitation subject to approval of Office of Education and Vocational Rehabilitation. Benefits suspended for refusal to participate.
MICHIGAN	No fund established	Transportation and other necessary expenses during 52 weeks training.	Medical and vocational rehabilitation services under Workers' Compensation Bureau—approved facility. Bureau may extend training period additional 52 weeks, maximum total 104 weeks.
MINNESOTA	No fund established	Necessary expenses, including tuition, books, travel, board, lodging, and custodial daycare. Employee receives temporary total during approved retraining up to 156 weeks.	Qualified injured worker entitled to rehab. provided by/at expense of employer. If approved plan, employer to provide retraining up to 156 weeks.* Participant may request 25% benefit increase and is eligible for one-time relocation allowance. Employer may seek termination or suspension of benefits if worker fails to cooperate with plan.
MISSISSIPPI	No fund established	Up to $10 per week up to 52 weeks.	Commission cooperates with federal and state agencies.
MISSOURI	No fund established. At expense of employer or insurer.	Reasonable board, lodging and travel if away from home, paid by employer or insurer. TT or TP benefits paid throughout duration of rehabilitation program.	Administered by Director of Worker's Compensation Division. Division may order employer to provide transportation. Employer must pay lost wages for up to 20 weeks during physical rehabilitation. Initial rehabilitation plan may not exceed 26 weeks and employers may extend it up to 26 weeks.*
MONTANA	Rehabilitation Fund by 1% tax upon compensation paid by insurers, self-insured, and state fund.	A disabled worker unable to return to the job at the time of the injury is eligible for up to 104 weeks of benefits at the TT rate while implementing a rehabilitation plan which can be job placement, on-the-job training, education, training or specialized job modification. Up to 10 weeks of benefits are available while the worker is awaiting the opportunity to implement a rehabilitation plan, and 8 weeks of benefits are available for use in obtaining employment when the plan calls for job placement. Auxiliary benefits up to $4,000 remain available for travel and relocation expenses, as well as implementing a rehabilitation plan.	Administered by Department of Labor and Industry rehabilitation panel. Services provided by private certified rehabilitation counselors. Employee also may be referred to the Department of Social and Rehabilitative Services. Employee's refusal may result in loss of compensation. Disputes over the rehabilitation plan resolved by the Workers' Compensation Court.
NEBRASKA	Vocational Rehabilitation Fund by 1% premium tax on insurers and self-insurers (minimum $25) payable to Court	Board, lodging, travel, tuition, fees, and books paid by fund. Temporary indemnity paid by self-insurer or carrier.	Insurer must furnish medical, physical, and vocational rehabilitation services voluntarily (if not, may be ordered to do so). Costs may be apportioned between the employer and the Vocational Rehabilitation Fund. Payments into fund suspended when fund reaches $400,000 (see Chart XIII).

Colo. *Vocational rehabilitation is an optional benefit for injuries after July 2, 1987.

Ind. *State Rehabilitation Services Board administers vocational rehabilitation programs. Compensation suspended for refusal of suitable on employment by partially disabled claimant.

Maine. *Funded by assessment of 0.5% on insurers and self-insurers in 1986 and 1.0% thereafter.

**Office of Rehabilitation may implement and pay for out of the Rehabilitation Fund, a plan previously rejected by the employer. If the plan proves successful, the Fund may assess the employer up to 180% of the plan implementation costs.

Minn. *Surviving spouse may request rehabilitation.

Mo. *Refusal of employee to undergo rehabilitation results in 50% reduction in TT or TP benefits. Effective 7/1/91.

CHART X ☐ REHABILITATION OF DISABLED WORKERS ☐ January 1, 1992 (continued)

JURISDICTION	SOURCE OF FUND	MAINTENANCE ALLOWANCE	SPECIAL PROVISIONS
NEVADA	State Insurance Fund and self-insurance	Insurer may allow maintenance as needed.	Insurer is authorized to provide all necessary rehabilitation services. Employee's refusal results in loss of all benefits.
NEW HAMPSHIRE	No fund established	Board, lodging, travel, books, and basic materials in addition to compensation.	Insurer must furnish rehabilitation services voluntarily, or may be ordered to do so, for one year more if unusual circumstances. Vocational Rehabilitation Coordinator can assist in development of program. Benefits can be suspended for non-cooperation with vocational rehabilitation.
NEW JERSEY	No fund established		Permanent total disability benefits may be stopped after 450 weeks unless the worker has submitted to physical or educational retraining.
NEW MEXICO	No fund established		
NEW YORK	$2,000 in no-dependency death cases	Up to $30 per week for rehabilitation maintenance	Department of Labor cooperates with Department of Education.
NORTH CAROLINA	No fund established		Insurer must furnish rehabilitation services required to lessen disability. Employee's unreasonable refusal of services ordered by Commission results in loss of compensation.
NORTH DAKOTA	Benefit Fund	Rehabilitation allowance plus supplies, tuition, fees and books in lieu of and equal to compensation for up to two years, plus 25% if maintaining two domiciles.	Bureau through its Director of Rehabilitation provides retraining. Employee's unreasonable refusal to co-operate shall forfeit compensation. If worker refuses rehabilitation, no benefits will be provided. If refusal continues for 60 days, eligibility for benefits ends.
OHIO	State Insurance Fund	Same as for temporary total disabiliy, minimum 50% of SAWW, for 6 months (renewable).*	Rehabilitation Division is within the Bureau of Workers' Compensation. Division may make all necessary expenditures, medically including treatment of non-occupational conditions inhibiting return to work.
OKLAHOMA	No fund established	Board, lodging, travel, tuition, and books	Court may order necessary rehabilitation up to 52 weeks; may also order additional 52 weeks.
OREGON	No fund established	Worker receives temporary total disability compensation during training.	Insurer must provide vocational assistance to workers who cannot return to work at a wage within 20% of wage-at-injury.
PENNSYLVANIA	No fund established*	State Board of Vocational Rehabilitation may provide cash payments for living expenses.	State Board of Vocational Rehabilitation may provide physical restoration, training, support and job placement services.
PUERTO RICO	No fund established	Administrator may grant $45 weekly for up to 26 weeks.	Rehabilitation center provides physical, medical, and rehabilitation services.
RHODE ISLAND	$750 in no-dependency death cases; 1% of insurance premium	Board, lodging, and travel	The Department operates the Dr. John E. Donley Rehabilitation Center. Compensation suspended for willful refusal of suitable employment or rehabilitation.
SOUTH CAROLINA	No fund established	No specific statutory provision	
SOUTH DAKOTA		Compensation paid up to 60 days, if pursuing rehabilitation.	TT during period of approved vocational rehabilitation.
TENNESSEE	No fund established		Division of Workers' Compensation refers feasible cases to Department of Education pursuant to plan providing full or partial recovery of expenses from employer or insurer.
TEXAS	No fund established		Insurer furnishes necessary medical care and services for physical rehabilitation. Commission may notify employees of the vocational rehabilitation services available through the Texas Rehabilitation Commission and private providers. The Commission keeps a registry of private providers of vocational rehabilitation services.
UTAH	Voluntary by insurance carrier	$1,000 maximum during rehabilitation of permanently and totally disabled person.	If he cannot be rehabilitated, worker receives benefits for life from Employers Reinsurance Fund, minimum is 36% of current SAWW.
VERMONT	No fund established	Board, lodging, travel, books, and tools	Commissioner may order vocational rehabilitation services. If employee refuses, compensation may be suspended.
VIRGIN ISLANDS	Government Insurance Fund	Board, lodging, and travel	Income benefits during rehabilitation suspended for employee's refusal to accept vocational rehabilitation. See Chart V—Total Disability Benefits.
VIRGINIA	No fund established		Commission may award compensation, medical care, and vocational rehabilitation. Employer may be required to furnish and maintain wheelchairs, bedside lifts, adjustable beds and make alterations to home, maximum $25,000. Employee's unreasonable refusal may suspend compensation.
WASHINGTON	No fund established	Compensation, board, lodging, travel, books, equipment, and child care allowance, up to 52 weeks (maximum $3,000).	Supevisor may extend period for another 52 weeks. Dept. operates a Rehabilitation Center and pays maintenance and employer's cost of job modification.
WEST VIRGINIA	State Fund used, no special account	Up to $10,000 (includes tuition, books, supplies, travel, lodging, and tools). No limit on physical rehabilitation costs. Temporary total disability payments if totally disabled.	Fund-employed Rehabilitation Counselors provide referrals and direct services. Direct job placement emphasized, but training considered on basis of need. Short term training preferred. Longer programs approved when no other employment alternatives available, normally limited to 2 years.
WISCONSIN	No fund established	Temporary total disability, travel and necessary maintenance if away from home.	40-week period may be extended with Division's permission if necessary. Division refers feasible cases to Department of Vocational Rehabilitation.
WYOMING	No fund established		
F.E.C.A.	Employees' Compensation Fund	Up to $200 per month	If person fails to undergo rehabilitation, administrator may reduce benefit if rehabilitation would have increased earnings.
LONGSHORE ACT	Special Fund*	Up to $25 week	Surplus in Fund in any one year may be carried over. Appropriations authorized.
ALBERTA	Accident Fund	Discretion of Board	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
BRITISH COLUMBIA	Accident Fund	Discretion of Board	Rehabilitation Clinic established. Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
MANITOBA	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation. Spouse of deceased worker receiving monthly payments entitled to rehabilitation.
NEW BRUNSWICK	Accident Fund	Discretion of Board	Board operates physical rehabilitation center. Board may make necessary expenditures to aid rehabilitation.
NEWFOUNDLAND	Injury Fund	Discretion of Commission	Commission may make expenditures as are necessary or expedient to aid a worker's rehabilitation.
NORTHWEST TERRITORIES	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation.
NOVA SCOTIA	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation.
ONTARIO	Schedule 1 cases—Accident Fund Schedule 2 cases—employers individually	Discretion of Board Discretion of Board	No limit on amount in any one case or in any year for rehabilitation. Surviving spouses entitled to same level of vocational rehabilitation as injured workers, as of 4/1/85.
PRINCE EDWARD ISLAND	Accident Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation.
QUEBEC	Accident Fund. Individual liability for employers held personally responsible for the payment of benefits.	As required by law	Board may make necessary expenditures to aid rehabilitation and may provide vocational rehabilitation to a dependent spouse.
SASKATCHEWAN	Injury Fund	Discretion of Board	Board provides on-the-job training, employer assistance, and physical and occupational therapy. Vocational training is also available for spouse, as well as educational allowance for dependent children of fatally injued workers.
YUKON TERRITORY	Compensation Fund	Discretion of Board	Board may make necessary expenditures to aid rehabilitation.
CANADIAN MERCHANT SEAMEN'S ACT	No fund established	No specific statutory provision	

Ohio *If claimant returns to lesser-paying job while in rehabilitation, wage loss compensation of difference between wage at time of injury and wage at job while in rehabilitation program can be paid.

Pa. *Funded by federal and state sources.

Longshore *See Chart XII—Second-Injury Funds—Special Provisions.

PART 3

ADMINISTRATION

Because workers' compensation grew out of a public dissatisfaction with the manner in which job-related disabilities were handled, it is not surprising that the system was designed with an eye toward prompt and effective disposition of disability cases. Without an effective delivery system, many of the problems associated with the common law and employer liability statutes would remain.

This requirement for an effective delivery system remains valid today. Indeed the National Commission on State Workmen's Compensation Laws, in listing this as a major objective for a modern workers' compensation system, made special note that the achievement of the system's objectives for protecting against workplace disabilities was dependent upon an effective system for delivery of the benefits and services. This observation was reaffirmed by a second federal report on workers' compensation delivery in 1977 which emphasized the importance of efficient program administration.

As originally envisioned, the system would be self-administering. Over time, the complexities of the system proved too much for a laissez-faire approach, and states moved to take a more affirmative role in the administration of their laws.

Generally, the states have moved either to administer their laws through their court system, a special commission or board, or a combination of both. In Canada, administrative activities are carried out by a board. The principal areas of administration include—

- Supervision of compliance with statutory requirements for employers, employees, carriers, and medical and legal personnel.
- Investigation and decision on disputed claims and the supervision of medical and vocational rehabilitation.
- Management of second injury funds, special assessment requirements.
- Collection of data and evaluation of program performance.

ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS: CHART XI

Workers' compensation laws generally are administered by commissions or boards created by law. A few states provide for court administration.

Chart XI shows statutory provisions relating to administration. These include (1) time limits in which employers must be advised of injury, (2) time in which claims must be filed, (3) claims settlement conditions, and (4) regulation of attorney fees.

EMPLOYER'S REPORT OF ACCIDENTS: CHART XII

All employers are interested in requirements legally imposed on them to report injuries, and the penalty—if any—imposed for failure to report. In many jurisdictions, except for preliminary reports, the insured's company relieves an employer of this burden. Provisions for employers' reports of accidents are summarized in Chart XII.

SECOND-INJURY FUNDS: CHART XIII

Second-injury funds (or like arrangements) were developed to meet problems arising when a pre-existing injury combines with a second to produce disability greater than that caused by the latter alone. The funds (1) encourage hiring of the physically handicapped and (2) more equitably allocate costs of providing benefits to such employees. Second-injury employers pay compensation related primarily to the disability caused by the second injury alone—even though the employee receives a benefit relating to his combined disability; the difference is made up from a second-injury fund.

Where no special second-injury fund is provided by law, an employer in whose employ a second injury is sustained usually is liable for compensation due for the total resulting disability. Because of the potential increased cost of compensation benefits, an employer thus may be influenced to refuse employment to handicapped persons. It is for this reason that second-injury funds are advocated.

Most compensation laws now limit employer liability in second-injury cases to payment for the disability resulting from the second injury considered by itself—as shown in Chart XIII. The chart indicates the nature of the injury covered, portion payable by the employer and by the fund, and the sources of the fund.

ADMINISTRATION EXPENSES: CHART XIV

Chart XIV refers to (1) how costs of administration are met; (2) nature of assessments, if any; and (3) type of insurance provided for—whether private or state or both.

APPEAL PROVISIONS: CHART XV

Appeal provisions—including designation of the court of appeal and nature of the procedures—are summarized in Chart XV. Most Canadian jurisdictions use the inquiry system and do not provide for judicial appeals.

DIRECTORY: CHART XVI

The names and addresses of the administrators, boards, and commissioners for all jurisdictions reported upon by the *Analysis* are furnished.

CHART XI

ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS

January 1, 1992

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ALABAMA	Courts	In writing within 5 days; excusable up to 90 days.	Within 2 years after accident, last payment, or removal of incapacity.	By agreement, which must conform substantially to terms of act unless court approves lesser sum. Disputed cases settled by courts.	Lien when registered with probate judge.		Award for more than 6 months at any time by agreement of parties with court approval.	Fixed by Circuit Court judge up to 15% award.
ALASKA	Workers' Compensation Board	In writing to Board and employer within 30 days; excusable.*	Within 2 years after knowledge of disability. Within 1 year after death or 2 years after last payment.	By agreement, on approval of Board.	Lien; recording required in 1 year. Interest and penalties accrue.	By Board	Within 1 year after last payment of compensation or after rejection of claim.	Fixed by Board.
AMERICAN SAMOA	Workmen's Compensation Commission	In wriing within 30 days; excusable.	Disability—within 1 year after injury or last payment. Death—within 1 year after death or claimant should know relation to employment.	Compensation without award except in disputed cases. Disputed cases settled by Commision.	Award is effective upon filing, enforceable by High Court.		By Commissioner on application or own motion within 1 year after last payment or rejection of claim. At any time in case of fraud.	Subject to approval of Commissioner or High Court. Court may assess costs against party that proceeds without reasonable grounds.
ARIZONA	Industrial Commission	Forthwith; excusable.	Within 1 year after injury or accrual of right; excusable.* Claim not barred if compensation has commenced.	By Commission	Lien upon filing.	By administrative law judge within 30 days.	By administrative law judge on application.	Commission may regulate; maximum 25% of award.
ARKANSAS	Workers' Compensation Commission	No later than end of next business day; excusable.	Within 2 years after injury or death.	Compensation without award except in contested claim. Disputed claims heard by Commission member, or administrative law judge, upon application. Settlements may be approved by joint petition.*	Preference rights of unpaid wage claims.	By Commission from decision of administrative law judge within 30 days.	By Commission within 6 months of end of compensation period except in "joint settlements."**	Sliding scale subject to approval by Commission. Maximum $250 on appeal to full Commission; $500 on appeal to Court.
CALIFORNIA	Division of Workers' Compensation handles administration. Appeals Board handles judicial functions.	In writing within 30 days; excusable. Within 1 day of receiving notice or having knowledge of injury, employer must provide injured worker with a claim form.	Disability—within 1 year from date of injury or last payment. Death—within 1 year after death to 240 weeks after injury.	By ageement on approval of Appeals Board which may order hearing. Disputed cases settled by Appeals Board on application.	Judgment on filing in Superior Court.	By Appeals Board from workers compensation judge's findings.	Reconsideration within 20 days; no modification after 5 years.	Reasonable fee fixed by Appeals Board. If Court finds no reasonable basis for appeal, Appeals Board may award fees as supplementary award.
COLORADO	Director, Division of Labor.	Within 4 days; excusable (claimant may lose up to one day's compensation for each day's delay).	Within 2 years after injury or death.* Does not apply if compensation paid or if reasonable excuse in 3 years.	By agreement approved by Director or administative law judge, voluntary mediation or a settlement conference for self-insured. Disputed claims settled by administrative law judge after hearing.**	Judgment on filing copy of award against uninsured employer in District Court.	By Director or administrative law judge within 20 days, then by Industrial Claims Appeals Office within 20 days.	By Division within 6 years from date of accident or 2 years after last payment (whichever is later).***	On contested cases, a contingent attorney fee not exceeding 20% of the amount of the contested benefit shall be presumed to be reasonable. Director determines reasonableness of fee on request of claimant or attorney.
CONNECTICUT	Workers' Compensation Commissioners (one for each of 8 districts plus chairman and four at large).	Forthwith; excusable.*	Within 1 year after accident.** If death results within 2 years after accident or disease—within 2 years from accident or disease, or within 1 year from death (whichever is later).	By agreement, on approval of Commission. Disputed cases settled by Commission.	Judgment on filing in Superior Court. Award has preference rights of unpaid wages.	By Compensation Review Disivion within 10 days.***	By Commissioner during compensation period.	Subject to approval of Commissioner.
DELAWARE	Industrial Accident Board	If notice not given in 90 days no compensation due until notice or knowledge of injury.	Within 2 years after injury, death, or 5 years from last payment.	By agreement, on approval of Board. Disputed cases settled by Board after hearing.	Preference rights of unpaid claims.		By Board at any time, but no more often than once each 6 months.	30% of award or $2,250, whichever is less. Reasonable fee on appeals.
DISTRICT OF COLUMBIA	D.C. Office of Workers Compensation	In writing within 30 days; excusable.	Within 1 year after accident or last payment.	By Mayor	Award is effective upon filing.	By Mayor on application or own motion.	By Mayor within 1 year after last payment or denial of claim.	Approval by Mayor.
DISTRICT OF COLUMBIA GOVERNMENT WORKERS	D.C. Division of Disability and Crime Victims Compensation	48 hours; extended for cause.	Within 60 days after injury or 1 year after death; extended for cause.	By D.C. Division of Disability and Crime Victims Compensation.	Fund pays award.	By administrator upon own motion or application at any time.	By administrator.	Subject to approval by administrator.
FLORIDA	Division of Workers' Compensation	In writing within 30 days; excusable.	Within 2 years after injury, death, or last payment.	By agreement, but Division may investigate. Upon application, Division must order a hearing conducted by judge of compensation claims, or an informal mediation conference.	May be filed in proper court; execution or other process in Circuit Court.		By judge of compensation claims on application or own motion within 2 years after last payment or claim rejection.*	Subject to approval of judge of compensation claims or court; claimant pays own fee.
GEORGIA	Board of Workers' Compensation	Within 30 days; excusable.	Within 1 year after injury, death, or medical care; or within 2 years after last payment.	Compensation without award except in contested claims. Disputed claims settled by Board, Director, or administrative law judge.*	Judgment in Superior Court on certified copy of award.**	By Board on application within 20 days.	By Board on application or own motion within 2 years after final payment (4 years for PP). Final settlement may not be modified.	Fees in excess of $100 subject to Board approval. Board may assess attorney's fees against any party who proceeds without reasonable grounds or fails to provide income benefits as required.
GUAM	Workers' Compensation Commission	In writing within 30 days; excusable.	Within 1 year after injury, death, last payment, or awareness of relationship between the injury/death and the employment.	Compensation without award within 14 days after knowledge of injury or death. Controverted claims are settled by the Commission.	Lien against assets of carrier or employer. Enforcement of final order by Superior Court.		By Commissioner within 1 year after last payment or rejection of claim, on own motion or application.	Subject to approval of Commissiner or Court on review. Legal fees shall be a lien on compensation.
HAWAII	Director of Labor and Industrial Relations	Forthwith; excusable.	2 years after date on which effects of injury become manifest, but within 5 years after date of accident causing injury.	Agreements must be prepared by Director within 60 days after conclusion of hearing,* in accord with law. If not agreed, Director makes award.	Judgment on filing in Circuit Court.	By Appellate Board within 20 days.	By Director on own motion or on application of any party within 20 days but no later than 8 years after decision.	Subject to approval of Director.
IDAHO	Industrial Commission	In writing within 60 days after accident; excusable.	Within 1 year after accident or death.*	By agreement, subject to approval of Commission. Disputed cases settled by Commission or member after hearing.	Judgment in District Court on filing certified copy of award.	By Commission within 20 days.	By Commission within 5 years of accident, but no more often than once in 6 months.	Subject to approval of Commission.

Alaska *Burden of proof shifted to claimant if late notice excused.

Ariz. *Limit on filing runs from when injury is manifest or when claimant knows/should know relation to employment; tolled during incapacity.

Ark. *If no hearing is requested within 6 months of claim filing, the claim may be dismissed.
**A "joint settlement" is authorized where all parties petition an immediate final settlement by the Commission. In such cases, an order of the Commission is final except as to appeals to the courts, but an order of the Commission allowing or denying such petition is not appealable.

Colo. *Statute excepts certain occupational diseases.
**If alcohol was in any way responsible for the injury, prior alcohol-related convictions and court documents pertaining to the conviction may be admitted as evidence in all workers compensation hearings.
***If claimant has previously agreed to settlement, case will not be reopened except on grounds of fraud or mutual mistake of material fact.

Conn. *Lack of notice excused if voluntary agreement, or medical treatment within 1 year after accident.
**Within 3 years after first manifestation of disease (see Chart IV).
***The 9 Commissioners comprise the Review Division (appointed in 3-member panels).

Fla. *Approved lump sum settlement final if claim initially controverted.

Ga. *Automatic dismissal of claims for which no hearing has been held for 5 years.
**7 percent interest on all accrued amounts of awards. Interest runs on Superior Court judgment in event of appeal.

Ha. *Director may extend due date for good cause if parties agree.

Idaho *When compensation is discontinued, claimant has 5 years from date of injury or showing of occupational disease to file request for a hearing of further review. If compensation is discontinued more than 4 years after injury, claimant has 1 year from date of last payment to file request for a hearing of further review.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1992 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ILLINOIS	Industrial Commission	Within 45 days. For radiological injury, within 90 days after employee knows or suspects that he has received an excessive dose of radiation.	Barred after 3 years from injury or death, or 2 years after last payment, whichever is later. Radiation and asbestosis—within 25 years after last exposure for injury, within 1 year after death.*	By agreement, subject to approval of Commission, after 7 days from injury. Disputed cases settled by arbitrator.	Judgment in Circuit Court on filing certified copy of award.	By Commission from decision of arbitrator within 15 days	By Commission within 18 months of agreement or award.	Maximum 20% of compensation paid, up to 364 weeks of permanent total disability. Unreasonable or vexatious delay by employer or carrier in payment of compensation may be penalized by payment of attorney's fees.
INDIANA	Workers' Compensation Board	In writing as soon as practicable; excusable. Compensation accrues from date of notice if given after 30 days.	Within 2 years after injury or death. Radiation—2 years after worker knows/should know relation to employment.	By agreement, after 7 days from injury or at any time after death, subject to approval of Board. Disputed cases settled by Board or member on application.	Judgment in Circuit or Supeior Court on certified copy of agreement or award. Preference rights of unpaid wages.	By full Board within 20 days after award	By Board on application or own motion, within 2 years after last day for which compensation is paid.	Subject to approval of Board. Paid out of award unless bad faith by employer or lack of diligence, in which case minimum fee is $150.
IOWA	Industrial Commissioner	Within 90 days after injury unless employer has actual knowledge.	Within 2 years after injury or 3 years after last payment.	Compensation without award except in contested cases, but claim may be settled by agreement, subject to approval of Industrial Commissioner.	Judgment in District Court on filing certified copy of agreement or decision.	By Commissioner from decision of Deputy Commissioner within 20 days.	By Commissioner within 3 years from last payment, award, or noncommuted settlement.	Subject to Commissioner's approval.
KANSAS	Division of Workers Compensation	Within 10 days; excusable.	Claim must be served on employer within 200 days after accident or last payment, or within 1 year after death for death within 5 years after accident. Application for hearing must be filed with Division within 3 years after accident or within 2 years after last payment, whichever is later.*	By agreement, subject to approval of Director. Disputed cases settled by administrative law judge after hearing, subject to an appeal to the Director.	Judgment in District Court on filing certified copy of award.	By Director at any time before final payment, on application.	By Director, before final payment and within 1 year of prior approval, on application.	Reasonable amount or 25% of compensation recovered and paid, whichever is less. Subject to approval by the Director pursuant to filed written contract.
KENTUCKY	Workers' Compensation Board	In writing as soon as practicable; excusabe.	Within 2 years after accident or death. If paid voluntarily—within 2 years after suspension or accident, whichever is later. Limits tolled during minority or incapacity.	By agreement, subject to approval of administrative law judge. Disputed cases settled by administrative law judge.	Judgment in Circuit Court on filing certified copy of award or approved agreement.	Appeal to Workers' Compensation Board must be filed within 30 days of decision by administrative law judge.	By administrative law judge at any time, on application or own motion.	Subject to administrative law judge's approval. No maximum, except $750 maximum in uncontested occupational disease case. Court costs and attorney's fees may be assessed against party who proceeds without reasonable grounds.
LOUISIANA	Office of Workers Compensation and courts	Within 30 days (12 months if employer fails to post requirements); excusable.	Within 1 year after accident, death, or last payment; 2 years for delayed development of injury; 3 years from last payment in cases of partial disability.	By agreement, subject to approval of hearing officers.* Disputed cases settled by the Director.	Approved settlement entered as judgment.		By Director or court after 6 months or any time by agreement.	Subject to Director's approval, maximum 20% of award on first $10,000 and 10 percent of any additional amount.
MAINE	Workers' Compensation Commission	Within 30 days after injury; within 3 months after death; excusable.	Within 2 years after accident or last payment,** or within 1 year after death. If mistake of fact or fraud, within a reasonable time; but no more than 10 years after last payment in any case.	Compensation without award except in contested cases. Disputed cases settled by Commission.	Decision enforceable in Superior Court by suitable process.	By single commissioner, then by Appellate Division*	On application, approved lump sum is final except employer is not released from liability for future medical expenses unless lump sum agreement is contingent on release from such liability.	Awards of fees and costs only for cases in which employee prevails.*** Non-lawyers authorized to represent any party unless such representation "prevents the efficient processing of any proceeding."
MARYLAND	Workers' Compensation Commission	Within 10 days after injury (30 days for hernia); within 30 days after death; excusable.	Within 60 days after disability begins, excusable to 2 years. Within 18 months after death. Not barred for 3 years if treated by physician acting for employer.*	By agreement, subject to approval of Commission. Disputed cases settled by Commission or arbitration committee, hearing required on application.		By Commission from arbitration committee on application.	From final award, on application or own motion within 5 years.	Subject to approval of Commission.
MASSACHUSETTS	Division of Industrial Accidents, under supervision of Industrial Accidents Board	In writing as soon as practicable; excusable.	Within 4 years after injury or death, within one year after discovery for medical benefits, excusable.	By agreement, subject to approval of Division. Disputed cases settled by member of Division after preliminary conference prior to hearing.	Decree in Superior Court on certified copy of agreement or decision.	By reviewing Board from decision of member.	On application at any time, limited in death cases.	Subject to Board approval, amount fixed as multiple of SAWW according to stage of proceeding—maximum 7 times SAWW. Lump-sum settlements—maximum 20% of settlement.
MICHIGAN	Bureau of Workers' Disability Compensation	Within 90 days after injury, excusable.	Within 2 years after injury, death, recovery from incapacity, or after worker knows/should know relation of disease to employment.*	Compensation without award except in contested cases. Disputed cases settled by magistrate (by Bureau if "small dispute").	Judgment in Circuit Court on filing certified copy of award.	By Appellate Commission within 30 days from decision of magistrate.		Subject to approval of Bureau based on administrative rules and contingency fee schedules.
MINNESOTA	Commissioner, Department of Labor and Industry as head of Workers' Compensation Division	Within 30 days unless employer has actual knowledge; excusable up to 180 days unless prejudice shown.	Within 3 years after employer's report; no more than 6 years from date of injury. Occupational disease—within 3 years after employee knows cause of disability.*	Claims settled by agreement subject to judicial approval unless both sides represented by attorney and medical and rehabilitation left open. Hearing determination subject to appeal.	Award is binding and may be enforced by penalty or entering judgment in District Court.	Appeals must be filed with Workers' Compensation Court of Appeals within 30 days from decision of compensation judge.	By petition to Court of Appeals to vacate.	Approval by Division or compensation judge of 25% of first $4,000 compensation and 20% therafter, up to a maximum fee of $6,500 presumed reasonable.
MISSISSIPPI	Workers' Compensation Commission	Within 30 days; excusable.	Within 2 years after injury or death.	Compensation without award except in contested claims. Disputed claims heard by Commission member or referee on application.	Lien against assets and has preference rights of unpaid wages.	By Commission within 20 days from decision of administrative judge.	By Commission on application or own motion within 1 year from last payment or claim rejection.	Subject to approval of Commission or court. Maximum is 25% of award in matters before the Commission.
MISSOURI	Industrial Commission through Division of Workers' Compensation	In writing within 30 days unless employer has actual knowledge. Division notifies worker of rights.	Within 2 years after injury or death, or last payment (3 years if no report filed).	By agreement, after 7 days from injury or death, subject to approval of administrative law judge, legal advisor or Commission. Disputed cases settled by administative law judge.	Judgment in Circuit Court on certified copy of memorandum of agreement, order, decision, or award of Division of Commission.	By Industrial Commission within 20 days.	By Commission on application or own motion, after notice and hearing.	Commission or Division may allow reasonable fee.

Ill. *Death from radiation must occur within 2 years from last exposure if not compensation or Bureau within 2 years after injury, death, paid.

Kan. *If employer fails to report accident within 28 days, claim must be served on employer within 1 year after accident, and application must be filed with Division within 3 years after employer reports accident. *Childress v Childress Painting Co.*, 597 P 2d 637 (Kansas S. Ct. 1979).

La. *For injuries occurring after July 1, 1983. Claims filed before 1/1/90 for injuries occurring after 7/1/83, approved by Director.

Maine *Overpayments are made pending review and may be recovered in lawsuit by employer if employee resumes work. Any award or agreement may be reopened within 30 days on grounds of newly discovered evidence.
**Two year period does not run until employer who has actual knowledge of injury files report.
***"Prevail" means to obtain more compensation than was offered in writing before the proceeding, or, if no offer was made, to obtain benefits under the act.

Md. *Employer or insurer who receives completed claim form must send it to Commission immediately and may not advise claimant that claim is denied.

Mich. *No claim valid unless made within 2 years after injury, manifestation of disability, or last employment, whichever is later. Deadline suspended if worker receives any disability benefits.

Minn. *Employer who threatens to discharge claimant for filing claim is subject to civil suit for treble damages, costs, and attorney fees.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1992 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
MONTANA	Department of Labor and Industry	For injuries not resulting in death, within 30 days unless employer has actual knowledge	Verified claim within 12 months after accident; Department may grant additional 24 months.	By agreement and subject to approval of Department. Any dispute over conversion of benefits to a lump sum or dispute over the amount of benefits is submitted to a mediator and then to the Workers' Compensation Court, if necessary	Insurer will pay award after order received	By Department of Labor and Industry. 30 days to approve or disapprove settlement. If date of injury is prior to 7/1/87, order is reviewed by Workers' Compensation Court Judge, who has 10 days to disapprove settlement	May not be reopened by Department	May be fixed by Department or W.C. judge. Added to successful claimant's award on appeals. Not awardable by the court unless the insurer's actions in denying liability or terminating benefits was unreasonable
NEBRASKA	Workers' Compensation Court	In writing as soon as practicable; excusable	Within 2 years after injury, death, removal of incapacity, or last payment. For minors within 2 years after becoming 19.	By agreement with consent of insurer, but must be in accordance with Act. Disputed claims submitted to Compensation Court for hearing. Lump sums approved by Compensation Court and district court	Judgment in District Court on filing certified copy of order or award	By Compensation Court within 14 days after order or award of Judge	By agreement, subject to approval of Compensation Court, or on application after 6 months by Compensation Court	Subject to approval of Judge of Compensation Court (for lien purposes)
NEVADA	Department of Industrial Relations	Forthwith*	Within 90 days after accident, 1 year after death	By agreement, in conformity with Act, subject to approval of insurer		By Department of Administration	Medical investigation may be conducted at any time based on changed circumstances	District Court may assess costs and attorney's fees if appeal is frivolous. At any level the claimant may have the state industrial claimant's attorney represent him, if requested
NEW HAMPSHIRE	Department of Workers' Compensation	As soon as practicable but no later than 2 years after date of injury	Within 2 years after injury or death and claimant knows/should know of injury and relation to employment	If compensability of claim is contested, the aggrieved party may request a hearing at the Division. Disputes may also be settled by lump sum with Division approval	Payment within 5 working days. Employer's failure to comply with an award may result in a penalty of no more than $100/day	By Commissioner	Commissioner of Labor may modify no later than 4 years after last indemnity payment, except lump sums	Subject to approval of Labor Commissioner or court. Attorney's fees and interest to successful claimant on appeal
NEW JERSEY	Division of Workers' Compensation	Within 14 days excusable up to 90 days. Separate provisions for occupational diseases	Within 2 years after accident, death, last payment, or default. Separate provisions for occupational diseases.	By agreement, subject to approval of Division. Disputed cases settled by Division.	On filing with county clerk has effect of County Court judgment; may be docketed in Superior Court		By agreement or an application for review within 2 years of last payment. Settlement approved by compensation judge is final and conclusive.	Not over 20 percent before Division. Court may fix reasonable fee on appeal.*
NEW MEXICO	Workers' Compensation Administration	In writing within 15 days, excusable up to 60 days	Within 1 year after notice, death, or failure to pay. Time limit tolled while in same employment	By agreement, through mandatory mediation conducted by a representative of the Director. Disputed cases settled by Judge pursuant to hearings held by the Workers' Compensation Administration. Lump sum settlements, allowable under previous versions of the law, must be approved by a Workers' Compensation Judge	Award is judgment	By Department of Workers' Compensation Administration	By Workers' Compensation Judge, hearings for modifications may be held at not less than 6 month intervals	Determined by Workers' Compensation Judge, maximum amount of $12,500 for both parties' attorneys including all levels of appeal. Cost of worker's attorney is split 50/50 by employer and employee
NEW YORK	Workers' Compensation Board	In writing within 30 days; excusable	Within 2 years after accident or death. When advance payment is made, claim is not barred	Compensation without award within 18 days after disability or within 10 days after employer had knowledge, except in contested claims. Disputed claims settled by referee or Board. Hearing is mandatory upon application	Payment within 10 days after decision, except in event of appeal	Full Board review on application within 30 days after split decision	By Board at any time. Subject to special conditions	As a lien on award if approved by Board
NORTH CAROLINA	Industrial Commission	In writing within 30 days; excusable	Within 2 years of final determination of disability or within 6 years after death from occupational disease or accident	By agreement, after 7 days from injury, or at any time in case of death, subject to approval of Commission. Disputed cases settled by Commission or member	Judgment in Superior Court on filing certified copy of agreement or decision	By Commission upon application within 15 days after award	By Commission on application or own motion, within 2 years	Subject to approval of Commission. Commission may assess attorney's fees and court costs against party who proceeds without reasonable ground
NORTH DAKOTA	Workers Compensation Bureau	None required	Within 1 year after injury or 2 years after death	By Bureau	Fund pays award and has liquidated claim against defaulting ininsured employers		By Bureau at any time on application or own motion	Hourly rate determined by Bureau; trial judge fixes on appeal but must give consideration to amount allowed by Bureau
OHIO	Bureau of Workers Compensation and Industrial Commission	None required except to self-insurers	Within 2 years after accident, injury, occupational disease or death.*	By Industrial Commission after hearing	Fund or self insurer pays award after judgment	By regional review board, then Commission, within 20 days from receipt of decision	By Commission or Bureau within 6 years after injury (no lost time) or 10 years from last payment or death (lost time)	Attorney's fees are fixed by judge based on effort expended, but shall not exceed $2,500
OKLAHOMA	Workers' Compensation Court and an Administrator	In writing within 60 days; excusable	Within 2 years after injury or last payment. Death claims—within 2 years after death or last payment	By agreement, after 7-day disability, subject to approval of Workers Compensation Court. Disputed cases settled by Court	Payment within 20 days except in event of appeal. Judgment in District Court upon motion to certify	By W.C. Court en banc on appeal within 10 days or by Supreme Court on appeal within 20 days	By W.C. Court on application or own motion at any time. May reopen case within maximum number of weeks for which award is possible	W.C. Court must approve and direct payment. 10% maximum for temporary disability; 20% maximum for permanent disability or death
OREGON	Department of Insurance & Finance: Workers' Compensation Division	In writing within 30 days; excusable	Within 1 year after accident, last payment, or last date of medical services	Awarded by Evaluation Section, closed by insurer, or settled by hearing referee	Payment on award within 30 days after order	Reconsideration by department appellate unit within 18 days of request. By referee on application within 60 days for denials or 180 days for disability rating; further appeal to Board within 30 days.	By Board on own motion or claim for aggravation within five years of first determination	Subject to approval of hearing officer, Board, or Court. Board establishs fee schedule. Attorney fees of 10% of increased disability awarded if attorney involved with reconsideration process
PENNSYLVANIA	Bureau of Workers' Compensation*	Within 21 days, excusable to 120 days. No compensation due until notice is given.	Within 3 years after injury, death, or last payment.**	By agreement, after 7 days from injury, subject to Department approval. Disputed cases heard by Referee with appeals to Board	Judgment in court on filing award or agreement	By Appeal Board from referee's decision within 20 days	By Department on application within statutory time limits	Subject to approval of referee, Appeal Board, or court
PUERTO RICO	Manager of the State Insurance Fund and Industrial Commission	None required	As soon as possible within 5 days from accident		Fund pays award		By Commission, within 30 days after copy of Manager's decision is served on the employee. Reconsideration on own motion or upon petition of interested party within 10 days	No attoneys required in hearings, but if requested by employee, fees are fixed by Industrial Commission as percentage of award. Fees are fully paid by Fund

Nev. *For occupational disease, within 90 days after knowledge of disability and relation to employment or within 1 year after death.

N.J. *Based on excess over amount of award tendered in good faith a reasonable time before a hearing.

Ohio *Claimant's statute of limitations extended for every day the employer fails to make required notice to the Commission, up to 4 years from date of injury, disease, or death.

Pa. *Workers' Compensation Advisory Council recommends changes in administration of law.
**Late discovery will extend the time for filing a claim involving an occupational disease.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1992 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
RHODE ISLAND	Workers' Compensation Department	In writing within 30 days; excusable	Within 3 years after injury, manifestation, knowledge of injury, death, or removal of incapacity	By voluntary agreement of both parties, by hearing officer at informal hearing, or by Judge by decree	Award enforceable by Court or Director	By Court within 7 days	By Court during compensation period or within 10 years after compensation period has ceased, on own motion or on petition of either party	Subject to approval of Court. Maximum 15% of lump sum or structured settlements.
SOUTH CAROLINA	Workers' Compensation Commission Claims Department	In writing as soon as practicable or within 90 days, excusable	Within 2 years after accident or 2 years after death	By agreement, after 7 days from date of injury or any time in case of death, subject to approval of Commission or member, after hearing, upon application	Judgment in Common Pleas Court on certified copy of agreement or award.*	By 3- or 6-member panel within 14 days after award	To Commission on application or own motion within 12 months from last payment	Subject to approval of Commission
SOUTH DAKOTA	Division of Labor and Management	In writing as soon as practicable within 30 days; excusable	Within 2 years after notice of intention to deny coverage	By agreement, if not disapproved by Director, within 20 days. Disputed cases settled by Commissioner after Hearing, upon application	Judgment in Circuit Court on certified copy of agreement or decision	By Labor Secretary within 10 days	By Secretary by application	Subject to approval of Director of Division of Labor and Management
TENNESSEE	Courts and Workers Compensation Division*	Notice must be within 30 days; must be written if employer does not have actual knowledge. Excusable up to 1 year	Within 1 year after accident Dependents—within 1 year after employer's notice accepting liability	By agreement, subject to approval of County Court. Disputed cases determined by Circuit Court	Judgment in Circuit Court on approved agreement		By court, on application after 6 months. Award payable for more than 6 months may be modified by agreement aproved by court	Subject to approval of court; maximum 20% of recovery or award.
TEXAS	Workers' Compensation Commission	Within 30 days, excusable	Within 1 year after injury, death, or removal of incapacity, excusable.*	By award of the commission, by judgment of a district court, or by agreement approved by commission or district court. Contested cases settled by hearing officers or through arbitration	Collectible by suit for full amount of unpaid compensation, 12% penalty and attorney's fees. Failure or refusal to comply with a Commission order/decision within 20 days may result in a fine of up to $10,000	By 3-member appeals panel within 60 days after award	By board or commission at any time during compensation period, on application or own motion	In actions before the board or commission, fees are limited to 15% of the recovery unless special circumstances prevail. Subject to approval by board, commission, or court but not to exceed 25% of recovery.
UTAH	Industrial Commission	Within 180 days	Within 1 year after death, within 6 years after date of injury. Medical expenses within 3 years of last treatment	By Industrial Commission	Lien from time of docketing in District Court. Payments must begin within 30 days of determination of award	By Commission within 30 days	By executive director upon finding a clerical error	SUbject to approval by the commission or the court. Maximum of 20% of 312 weeks of award with a $7,500 cap.
VERMONT	Commissioner of Labor and Industry	In writing as soon as practicable; excusable	Within 6 months after injury, death, loss of damage suit, or removal of incapacity; excusable	By agreement, in conformity to Act, subject to approval of Commissioner (compromise agreements may be approved). Disputed cases settled by Commissioner	Judgment in county court on certified copy of agreement or award	By Commissioner on application within 6 months	By Commissioner or own motion or application at any time	Commissioner may award to successful claimant, and on appeal, 12% interest on contested part of award.
VIRGIN ISLANDS	Commissioner of Labor	In writing within 48 hours, extendable up to 30 days. Occupational disease within 30 days from first manifestation; extendable to 90 days	Within 60 days after injury	By Commissioner; disputed cases settled after hearing (subject to appeal to any Court of Competent Jurisdiction)	First priority lien on employer's assets	By Deputy Commissioner	By Deputy Commissioner	Subject to approval of Commissioner
VIRGINIA	Industrial Commission	In writing within 30 days	Within 2 years after accident or 2 years after death. Payment of benefits after filing injury report tolls limitation on claim filing	By agreement, after 10 days from injury, or at any time after death, subject to approval of Commission. Disputed cases settled by Commission or member after hearing upon application	Judgment in Circuit Court on certified copy of agreement or award	By full Commission within 20 days after opinion	By Commission on own motion or application within 2 years of last payment, or 3 years for scheduled injuries.*	Fixed by Commission
WASHINGTON	Department of Labor and Industries	Immediately	Within 1 year from date of injury	By Department of Labor and Industries*		By Board of Industrial Insurance Appeals within 60 days on application	By Department within 7 years, on application or own motion, 10 years for loss of vision claims	By Appeals Board upon application; reviewable by Superior Court
WEST VIRGINIA	Bureau of Employment Programs, Division of Workers' Compensation	Immediately	Within 2 years after injury or death; disease claims—within 3 years after exposure or knowledge, whichever is later, or within two years after death	By Division of Workers' Compensation. Hearing upon application	Fund begins payment 30 days following the granting of an award	By Administrative Law Judges within 30 days, or 60 days without notice	By Commissioner within set time limits, on written application, subject to review by Appeal Board.*	Maximum fees established; limited to 20% of award up to 208 weeks of benefits
WISCONSIN	Workers' Compensation Division	Within 30 days, excusable	Within 2 years after injury or death. Excusable if employer knew of disability. All rights barred after 12 years from injury, death, or last payment	By payment of amount due. Compromise subject to review by Department within 1 year. Disputed cases settled by Department	Judgment in Circuit Court on certified copy of award	By Commission within 21 days of decision	By Commission on its own motion within 21 days; compromises may be modified within 1 year. If occupational disease, subject to review within 12 years	Limited to 20% of amount in dispute. If admitted liability, not to exceed 10% or $100.
WYOMING	Courts and Division of Worker's Compensation	Within 72 hours (also within 10 days to the court), excusable	Within 1 year after injury or discovery of injury not readily apparent	Hearing examiners and appeal to District Court			Within 4 years or during time payments are made on application	Reasonable fee as allowed by court
F.E.C.A.	Division of Federal Employees' Compensation, O.W.C.P., U.S. Department of Labor	48 hours; extended for cause	Within 60 days after injury or 1 year after death; extended for cause	By Division	Fund pays award	By Secretary of Labor on own motion or application at any time, within one year	By Secretary of Labor or Employees' Compensation Appeals Board on review	Subject to approval by Division or Appeals Board
LONGSHORE ACT	Division of Longshore and Harbor Workers' Compensation, O.W.C.P., U.S. Department of Labor	Within 30 days	Within 1 year after injury or death, or date of last payment. Within 2 years after aware of occupational disease	By Deputy Commissioner (by agreement) or administrative law judge (formal hearing)	Award is effective on filing	By Deputy Commissioner upon own motion or application and by Benefits Review Board on Appeal	By Deputy Commissioner or court on review	Approval by Deputy Commissioner, court, or Review Board where service given.

*Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time.

S.C. *Payment must begin within 14 days after employer has knowledge of injury or death.

Tenn. *Tennessee Claims Commission administers claims by State employers.

Texas *Employer who discriminates against claimant is liable for damages.

Utah *Claim for TT or PT disability hearing must be filed within 6 years of injury.

Va. *In cases where no compensation has been paid, commission may make award within 3 years from the date of accident.

Wash. *Provision is made for recoupment of benefits paid through mistake or fraud.

W. Va. *Within 2 years for fatal or non-fatal cases, 5 years for temporary total disability or in cases of no awards.

CHART XI ☐ ADMINISTRATION—NOTICE TO EMPLOYER—CLAIMS ☐ January 1, 1992 (continued)

JURISDICTION	ADMINISTRATION	NOTICE TO EMPLOYER	CLAIM FILING	HOW CLAIMS ARE SETTLED	AWARD EFFECT	REVIEW BY AGENCY	MODIFICATIONS	ATTORNEY'S FEES
ALBERTA	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death, excusable	By Case Manager.	Fund pays award.	By review commitee on request, then by Appeals Commission at any time	By Appeals Commission at any time on application or own motion	
BRITISH COLUMBIA	Workers' Compensation Board	As soon as practicable	Within 1 year after injury, death, or disablement by disease; excusable within 3 years.*	By Board	Fund pays award.	By Review Board if appealed within 90 days. From Review Board to appeal division of the Board if appealed within 30 days.	By Board at any time	Board may award expenses of proceeding to successful party.**
MANITOBA	Workers' Compensation Board	In writing as soon as practicable but no later than 30 days; excusable	Within 12 months after accident or death, excusable	By Claims Adjudicator	Fund pays award.	At any time.	By Board	(*)
NEW BRUNSWICK	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or 6 months after death; excusable	By Claims Adjudicator	Fund pays award.	At any time	Appeals Board	
NEWFOUNDLAND	Workers' Compensation Commission	As soon as practicable	Within 6 months after injury or death	By Commission	Fund pays award	At any time	Appeal of Commission's final decision goes to the Workers' Compenstion Appeal Tribunal,* the last level of review	
NORTHWEST TERRITORIES	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death; excusable if as soon as practicable, maximum 3 years after death	By Board	Fund pays award	At any time	By Board	
NOVA SCOTIA	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death; excusable	By Claims Adjudicator	Fund pays award	At any time.	By Board at any time or Workers' Compensation Appeal Board within 1 year	Free assistance of gov't appointed Workers' Counsellor available to clients at any stage in adjudication process. Fees paid by Province
ONTARIO	Workers' Compensation Board	As soon as practicable	Usually within 6 months after injury or death	By Board	Fund pays award	At any time	By Board	
PRINCE EDWARD ISLAND	Workers' Compensation Board	As soon as practicable	Within 6 months after injury or death	By Board	Fund pays award	At any time	By Board[1]	
QUEBEC	Commission de la Santé et de la Sécurité du travail du Quebec	As soon as practicable after injury or knowledge of occupational disease	Within 6 months after injury, death, or from first knowledge of the manifestation of an occupational disease	By Commission	Fund pays award. Individual liability for employers held personally responsible for the payment of benefits.	At any time, if no application made to Review Office	By Commission	
SASKATCHEWAN	Workers' Compensation Board	As soon as practicable; excusable	Within 6 month after injury or death; excusable	By Board	Fund pays award.	At any time	By Board	(*)
YUKON TERRITORY	Workers' Compensation Board	As soon as practicable	Within 1 year after injury or death; excusable if proof of disability or death is furnished within 3 years after accident and claim is a just one	By Claims Adjudicator	Fund pays award.	By review committee upon request, then by full Board at any time	By Board	
CANADIAN MERCHANT SEAMEN'S ACT	Merchant Seamen Compensation Board	As soon as practicable	Within 6 months after injury or death, excusable	By Board	Judgment in county, district, or Quebec Superior Court on certified copy of award.	At any time.	By Board	Board may award "expenses of proceeding" to successful party.

[1] Modification of award due to aggravation or recurrence of injury may be based on earnings and benefits in effect at that time.

B.C. *After 3 years, compensation is payable only from date of filing.
**Government-appointed advisors handle workers' and employers' claims.

Man. *Government-appointed adviser handles workers' claims.

Nfld. *The Tribunal operates independently of the Commission.

Sask. *Government-appointed adviser handles workers' claims (Workers Advocate and Provincial Ombudsman).

CHART XII

EMPLOYER'S REPORT OF ACCIDENTS

January 1, 1992

		REPORTING REQUIREMENTS[1]		PENALTIES FOR FAILURE TO REPORT		
				FINES		
JURISDICTION	KEEPING OF ACCIDENT RECORDS BY EMPLOYER[1]	INJURIES COVERED	TIME LIMIT	MAXIMUM	MINIMUM	IMPRISONMENT
ALABAMA	Required	Death or disability exceeding 3 days	Within 15 days			
ALASKA	Required	Death or injury or disease or infection	Within 10 days	(*)		
AMERICAN SAMOA	Required	Injury or death	Within 10 days*	$500		
ARIZONA	Not required	All injuries	Within 10 days			Petty offense
ARKANSAS	Required	Injury or death	Within 10 days and as required	100		
CALIFORNIA	Required	Death cases or serious injuries	Immediately*	100	25	
		1 day or more than first aid	As prescribed			
		Occupational diseases or pesticide poisoning	Within 5 days			
COLORADO	Required	Death cases	Immediately	100 per day		
		All injuries causing lost time of 3 days or more*	Within 10 days*			
CONNECTICUT	Required	Disability of 1 day or more	7 days, or as directed	250		
DELAWARE	Required	Death cases or injuries requiring hospitalization	Within 48 hours*	100	25	Up to 120 days
		Other injuries	Within 10 days*			
DISTRICT OF COLUMBIA	Required	All injuries	Within 10 days	1,000		
FLORIDA	Required	Death cases	Within 24 hours*	500		
		All injuries	Within 10 days and as required*			
GEORGIA	Required	All injuries requiring medical or surgical treatment or causing over 7 days' absence	Within 10 days*	200**	20**	
GUAM	Required	Injury or death	Within 10 days*	500**		
HAWAII	Required	Death cases	Within 48 hours	1,000		Up to 90 days
		1 day of absence	Within 7 working days			
IDAHO	Required	All injuries requiring medical treatment or causing 1 day's absence	As soon as practicable but not later than 10 days after the accident[2]	300		Up to 6 months
ILLINOIS	Required	Death cases or serious injuries	Within 2 working days	200	100	Misdemeanor
		Disability of over 3 days	Between 15th and 25th of month			
		Permanent disability	Soon as determinable			
INDIANA	Required	Disability of more than 1 day	Within 7 days*	500		
IOWA	Required	Disability of more than 3 days	Within 4 days	100	100	
KANSAS	Not required	Death cases	Within 28 days	(*)		
		Disability of 1 day or more	Within 28 days			
KENTUCKY	Required	Disability of more than 1 day	Within 7 days[2]	1,000	100	
LOUISIANA	Required*	Lost time over 1 week or death	Within 10 days	100		
MAINE	Not required	All injuries requiring physician services or causing loss of day's work*	Within 7 days	100**		
MARYLAND	Not required	Disability of more than 3 days	Within 10 days	50		
MASSACHUSETTS	Required	Disability of more than 5 days	Within 5 work days[2]	100		
MICHIGAN	Required	Death cases, disabilities of 7 days or more, and specific losses	Immediately			
MINNESOTA	Required	Death or serious injury	Within 48 hours	200		
		Disability of 3 days or more	Within 14 days			
MISSISSIPPI	Required	Disability of one day or working shift	Within 10 days	100*		
MISSOURI	Not required	Death or injury	Within 10 days*	500	50	1 week to 1 year
MONTANA	Required	All injuries	Within 6 days	500	200	
NEBRASKA	Required	Death cases*	Within 48 hours*	1,000*		Up to 6 months
		All injuries	Within 7 days*			
NEVADA	Required	All injuries	Within 6 working days	1,000		
NEW HAMPSHRIE	Required	All injuries involving lost time or medical expense	Within 5 calendar days	2,500		Misdemeanor
NEW JERSEY	Required	All injuries*	Immediately	50	10	

[1] Federal Occupational Safety and Health Act of 1970 established uniform requirements and forms to meet its criteria for all businesses affecting interstate commerce to be used for statistical purposes and compliance with the Act. 12 U.S.C. §651.

[2] Supplemental report required after 60 days, or upon termination of disability.

[3] Attending physician also required to make periodic reports to Board.

[4] Supplemental report within 24 hours after returning to work or knowledge that worker is able to return.

Alaska *20% of unpaid amounts due.

Am. Samoa *Employer must also notify Commissioner upon first payment and suspension of payment, and within 16 days after final payment.

Calif. *To Division of Occupational Safety and Health. Within 5 days of employer's notice or knowledge of employee death, employer must report death to the Department of Industrial Relations.

Colo. *Failure to report tolls time limit for claims. Disability of less than 3 days must be reported to insurer.

Del. *Supplemental report due on termination of disability.

Fla. *Report to carrier within 7 days, if injury caused employee to lose 7 or more days. Supplemental report within 30 days after final payment.

Ga. *Supplemental report on first payment and suspension of payment, and within 30 days after final payment.
**For each refusal or willful neglect to report.

Guam *Failure to report tolls limits for claims.
**For each refusal or willful neglect to report.

Ind. *Supplemental report within 10 days after termination of compensation period.

Kan. *Failure to report tolls time limit for claims. *Childress v. Childress Painting Co.* 1979.

La. *Employers with more than 10 employees must also report within 90 days after death, illness, or injury causing loss of consciousness, restriction of work or motion, job transfer, or medical treatment other than first aid, violation is misdemeanor subject to fine up to $500.

Me. *Must report asbestosis, mesothelioma, silicosis, and exposure to heavy metals no later than 30 days from date of diagnosis.
**For each violation. Up to $1,000 for individual and $10,000 for corporation for any willful violation of Act, fraud, or intentional misrepresentation.

Miss. *Added to compensation.

Mo. *Supplemental report within 1 month after original notice to Division.

Neb. *Report may be made by insurance carrier or employer. Failure to report tolls time limits.

N.J. *Uninsured employers are required to report compensable injuries only. If insured, carrier is also required to make report.

CHART XII ☐ EMPLOYER'S REPORT OF ACCIDENTS ☐ January 1, 1992 (continued)

JURISDICTION	KEEPING OF ACCIDENT RECORDS BY EMPLOYER[1]	REPORTING REQUIREMENTS[1]		PENALTIES FOR FAILURE TO REPORT		
				FINES		
		INJURIES COVERED	THE LIMIT	MAXIMUM	MINIMUM	IMPRISONMENT
NEW MEXICO	Required	Compensable injuries	Within 10 days	$1,000		
NEW YORK	Required*	Disability of 1 day or more or requiring medical care beyond two first aid treatments	Within 10 days	2,500		Up to 1 year
NORTH CAROLINA	Required	Disability of more than 1 day	Within 5 days[2]	25	5	
NORTH DAKOTA	Not required	No statutory provision				
OHIO	Required	Injuries causing 7 days total disability or more	Within 1 week	250		Up to 30 days
OKLAHOMA	Required	All injuries causing lost time or requiring treatment away from worksite	Within 10 days or a reasonable time	500		
OREGON	Required	All compensable injuries	Within 5 days*	(**)		
PENNSYLVANIA	Required	Death cases	Within 48 hours	100*		Up to 30 days
		Disability of 1 day or more	After 7 days but not later than 10 days			
PUERTO RICO	Required	All injuries	Within 5 days	100		
RHODE ISLAND	Not required	Death cases	Within 48 hours	250		
		Disability of 3 days or more	Within 10 days*			
		Any claim resulting in medical expense	Within 3 years of injury			
SOUTH CAROLINA	Required	All injuries requiring medical attention	Within 10 days[2]	100	10	
SOUTH DAKOTA	Required	(*)	Within 10 days	100		Or 30 days
TENNESSEE	Not required	All injuries requiring medical attention	Within 14 days	100	50	
TEXAS	Required	Disability of more than 1 day; or occupational disease	Within 8 days[2]	500		
UTAH	Required	All injuries requiring medical treatment	Within 1 week	500		
VERMONT	Required	Disability of 1 day or more or requiring medical care	Within 72 hours[2]	25		
VIRGIN ISLANDS	Required	Injury or disease	Within 8 days	500		Up to 6 months
VIRGINIA	Required	All injuries	Within 10 days[2]	250		
WASHINGTON	Not required*	All injuries requiring medical attention	Immediately	$250 per offense		
WEST VIRGINIA	Not required	All injuries	Within 5 days			
WISCONSIN	Required	Disability beyond 3-day waiting period	Within 4 days	(*)		
WYOMING	Required	Compensable injuries	Within 10 days	750		Up to 6 months, or both
F.E.C.A.	No provision	Death or probable disability	Immediately			
LONGSHORE ACT	Required	All accidents	10 days	10,000		
ALBERTA	Required	Disability of 1 day or more or requiring medical aid not covered by Alberta Health Care Insurance	72 hours[3,4]	500	100 per day	
BRITISH COLUMBIA	Required	Death cases	Immediately	(*)		
		All injuries	3 days[3]			
MANITOBA	No provision	All injuries	5 business days	$5,000 plus penalty of $150	50	
NEW BRUNSWICK	No provision	All injuries that disable or require medical aid	3 days[3,4]	50		
NEWFOUNDLAND	No provision	All accidents that disable or require medical aid	3 days	500*		Up to 3 months, or both
NORTHWEST TERRITORIES	No provision	All accidents and deaths	3 days[3]*	250		
NOVA SCOTIA	No provision	All accidents that disable or require medical aid	3 days[3]	$50 for each contravention		
ONTARIO	Required	All accidents that disable or require medical aid	3 days[3,4]	250*		
PRINCE EDWARD ISLAND	No provision	All accidents that disable or require medical aid	3 days	100	10 per day	
QUEBEC	Required, including no loss time injuries	All accidents that caused the worker to be unable to carry on his employment beyond the day on which the employment injury appeared, and those that require medical aid	2 days after day of return to work within first 14 days. If more than 14 days, 2 days after the 14th day	2,000	500	
SASKATCHEWAN	No provision	All accidents	5 days[3]	500*		
YUKON TERRITORY	No provision	All accidents in which workman is injured	3 days*	500		Failure to pay penalty, imprisonment of 6 months to 1 year in aggregate
CANADIAN MERCHANT SEAMEN'S ACT	No provision	All accidents that disable or require medical aid	60 days	500		Up to 12 months

N.Y. *Also required to provide written statement of right under Act to injured employee or dependent, if deceased.

Ore. *Insurers to send disabling claims to WC Division within 21 days of employer knowledge.
**Quarterly penalty for insurers in excess of 10% of claims reported. Employers liable for civil penalty if induce workers not to report accidents.

Pa. *Late filing of an accident report may also result in the imposition of civil penalties of up to 20% of the compensation awarded and interest accrued and payable.

R.I. *Supplemental report upon termination of disability.

S.D. *Any injury requiring treatment other than first aid or which incapacitates employee for at least 7 calendar days.

Wash. *Not required, but keeping accident records satisfies OSHA requirements.

Wis. *10% of first payment.

B.C. *Employer may be liable for up to full cost of claim.

Man. *Plus 50% of compensation payable.

Nfld. *The cost of the compensation paid for the injury is charged against the employer's experience plus $50 assessment. On summary conviction, the fine is $500 or imprisonment up to 3 months, or both. Claim may be charged against employer's experience for failure to notify.

N.W.T. *Supplemental report within 3 days after return to work or knowledge that worker is able to return.

Ont. *Employer may also be liable for additional fine up to $200, on conviction, payable to court.

Sask. *Plus percentage of assessment.

CHART XIII SECOND-INJURY FUNDS January 1, 1992

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
ALABAMA	Second injury which conbined with prior permanent partial disability results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	$100 in death cases.	Employer must have knowledge of prior disabling injury affecting employability.
ALASKA	Second injury which added to pre-existing permanent physical impairment results in substantially greater disability than from second injury alone.	Disability caused by second injury up to 104 weeks.	Compensation in excess of 104 weeks.	Up to 6% of compensation payable to fund; percentage varies from 0% to 6% depending on fund balance. $10,000 in no-dependency death cases; civil penalties.	"Physical impairment" as listed or would support an award of 200 weeks or more.
AMERICAN SAMOA	Second injury which combined with prior permanent impairment results in death or compensable disability greater than from second injury alone.	Benefits for first 104 weeks.	Benefits beyond first 104 weeks.	$1,000 in no-dependency death cases, plus fines and penalties.	Employer must have prior knowledge of disability.
ARIZONA	Second injury which added to a pre-existing work-related disability or a pre-existing physical impairment not industrially related (25 types of handicaps as listed by statute) results in disability for work.	Disability caused by second injury.	Employer and special fund are equally liable for remaining difference between compensation payable for second injury and compensation for combined disability.	1.5% of all premiums and costs of self insurance. Commission may allocate up to .5% of yearly premiums to special fund to keep fund actuarially sound.	Employer must have knowledge of non-industrial physical impairment. Payments are also made from the fund for vocational rehabilitation, claims against non-insured employers, insolvent carriers, supportive medical care.
ARKANSAS	Second injury which added to previous permanent partial disability or impairment results in additional disability or impairment greater than from second injury alone.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	$500 in no dependency death cases to be paid to the Permanent Total Disability and Death Fund. A portion of premium tax allocated to the Second Injury Fund and Death and Permanent Total Disability Trust Fund.	Employer liable for combined disability of both injuries in same employment.
CALIFORNIA	Second permanent partial injury which added to pre-existing permanent partial disability results in 70 percent or more permanent disability. Second injury must account for 35 percent.*	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Legislative appropriations and $50,000 in each no-dependency death case or unpaid balance.	Payments are made by State Compensation Insurance Fund.
COLORADO	Second injury which added to pre-existing permanent partial disability results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	$15,000 in no-dependency or partial-dependency cases, and tax of 4/10 of 1% of premiums received by insurance carriers and equivalent charge on self-insurers.	If employee obtains employment while receiving compensation from second-injury fund, fund compensates at rate of 1/2 of employee's average weekly wage loss during employment.
CONNECTICUT	Second injury or disease which added to pre-existing injury, disease, or congenital causes results in permanent disability greater than from second injury alone.	Benefits for first 104 weeks, less compensation payable for prior disability.	Benefits beyond first 104 weeks, less compensation payable for prior disability.*	Tax equal to 5% of compensation paid by carriers and self-insurers during preceding calendar year plus fines.	Tax imposed each time fund balance is reduced to $1,000,000.
DELAWARE	Second injury or disease which added to existing permanent injury from any cause results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Tax of 2% of premiums received by insurance carriers and equivalent charge on self-insurers.	Payments suspended when fund reaches $750,000 and resumed when below $250,000.
DISTRICT OF COLUMBIA	Second injury or disease which added to pre-existing injury, disease, or congenital causes results in permanent disability greater than from second injury alone.	Disability caused by second injury for first 104 weeks and first $1,000 medical expenses.	Difference between compensation payable for second injury and permanent disability.	$5,000 in no-dependency death cases or unpaid awards. Pro rata assessments upon carriers and self-insurers based on paid losses. Fines and penalties.	
FLORIDA	Second injury or disease which merges with previous permanent physical impairment and results in substantially greater disability than from the second injury alone.		Fund reimburses employer for 60% of impairment benefits, 60% of wage-loss benefits during first 5 years after maximum medical improvements and 75% thereafter, PT benefits after 175 weeks, 75% of death benefits and funeral expenses, and 50% of first $10,000 in temporary disability and medical benefits and 100% beyond $10,000.	Prorata annual assessment upon net premiums of insurers and self-insurer.	Assessment must equal sum of immediate past 3 years' disbursements. If injured employee has been unemployed due to injury for 2 consecutive years and is subsequently hired, the new employer will be reimbursed from the fund for 50% of the employee's wages for up to 6 months.
GEORGIA	Second injury or disease which merges with prior permanent physical impairment and results in greater disability than from second injury alone.	Disability caused by second injury for first 104 weeks.	Employer reimbursed for 50% of medical and rehabilitation expenses in excess of $5,000 up to $10,000, and 100% of medical and rehabilitation expenses in excess of $10,000, plus income benefits beyond 104 weeks.	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid, less net assets in fund. In no-dependency death cases, 1/2 of benefits payable or $10,000, whichever is less.	Employer must have prior knowledge of impairment. Assessments may be reduced or suspended when no funds are needed.
GUAM	Second injury which combined with a previous disability causes permanent disability.	Disability caused by second injury.	Difference between compensation payable for second injury and compensable disability.	State fund (appropriation).	
HAWAII	Second injury which added to pre-existing disabilities results in greater permanent disability, permanent total disability, or death.	Disability benefits for first 104 weeks.	Benefits beyond first 104 weeks.	$8,775 in no-dependency death cases; and unpaid balance of compensation due in permanent total and permanent partial disability cases, if no dependents; special assessment on insurers and self-insurers.	Premium tax suspended when balance exceeds $200,000, resumed when below $100,000.
IDAHO	Second injury which combined with prior permanent physical impairment results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent disability.	Amount equal to 5% of all benefits except temporary disability income benefits and accrued medical benefits and $10,000 in no-dependency death cases.	When fund exceeds $2,000,000, excise may be reduced to 4% and suspended when fund exceeds $2,500,000.
ILLINOIS	Second injury involving loss or loss of use of major members or eye which added to pre-existing loss of member results in permanent total disability.	Disability caused by second injury.*	Difference between compensation payable for second injury and permanent total disability.	Semi-yearly employer payment of 125% of compensation payments.	When fund reaches $500,000 amount payable into fund reduced by 1/2. When fund reaches $600,000, payments cease. When fund reduced to $400,000, payment of 1/2 amount required. When fund is reduced to $300,000, payment of full amount shall be resumed.
INDIANA	Second injury involving loss or loss of use of hand, arm, foot, leg, or eye which added to pre-existing loss or loss of use of member results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	1% of compensation paid by insurers and self-insurers during preceding calendar year.	Payment suspended when fund reaches $400,000.

Calif. *Second injury must account for 35% unless prior disability involved a major member and second injury was to opposite and corresponding member and accounts for at least 5%. No benefits payable for subsequent unrelated noncompensable injury.

Conn. *Fund also pays accident and health insurance coverage for injured employees when employer moves out of state or goes out of business.

Ill. *Employer is liable in full if second injury is permanent and total without relation to prior injury.

CHART XIII ☐ SECOND-INJURY FUNDS ☐ January 1, 1992 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
IOWA	Second injury involving loss or loss of use of member or eye which added to pre-existing loss of use of member results in permanent disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability, less value of previous loss of member or organ	$4,000 in dependent death cases; $15,000 in no-dependent death cases; any contributions by the United States; payments due but not paid to non-resident alien dependents; and sums recovered from third parties	Payments to the fund are suspended when fund reaches $1,000,000, resumed when below $500,000
KANSAS	Second injury related to 17 types of handicap as listed in statute—any physical or mental impairment	Difference between fund payment and maximum award	Compensation to the extent pre-existing handicap contributed to second injury	$18,500 from employer in no-dependency death cases and pro-rata annual assessment upon carriers and self-insurers based on losses	Legislature oversees adequacy of workers' compensation fund, administered by Insurance Commissioner. Employer must prove knowledge of prior disability.*
KENTUCKY	Second injury or disease which added to prior disability or condition results in permanent disability greater than from second injury alone	Disability caused by second injury	Difference between compensation payable for second injury and greater disability, less amount paid for prior injury	16.9% on all policies and an additional tax of 47% on premiums for policies issued to coal companies	
LOUISIANA	Second injury which combined with prior permanent partial disability results in disability greater than from second injury alone, or in death.*	Total disability benefits for first 104 weeks; in death cases, first 175 weeks; 50% of medical benefits which exceed $5,000 but are less than $10,000, and 100% thereafter	Employer reimbursed for balance of benefits	2.0% premium tax on carriers and self-insurers, minimum $10	Assessments reduced at discretion of the Board within 30 days written notice before assessment is due
MAINE	Second injury caused by accident, disease, or congenital condition, which added to pre-existing impairment results in permanent total disability	Disability caused by second injury	Fund reimburses employer for compensation payments not attributable to the second injury	In no-dependency death cases, 100 x SAWW and civil penalties of up to $10,000 assessed against employers who fail to insure	Duplicate payments from Second Injury Fund and Employment Rehabilitation Fund prohibited
MARYLAND	Second injury which combined with a pre-existing permanent impairment due to accident, disease, or cogenital condition results in a greater combined disability constituting a hindrance to employment	Disability caused by second injury	If permanent disability exceeds 50% of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent Injury Fund." Prior injury and second injury must each be compensable for at least 125 weeks	6% of compensation on all awards and settlement agreements until 6/30/91	
MASSACHUSETTS	Second injury which added to pre-existing physical impairment results in substantially greater disability or death. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits	Benefits for first 104 weeks	Employer reimbursed for 75% of benefits after first 104 weeks	$500 in no-dependency death cases, and additional $500 in every death case, unpaid balance of scheduled awards	Pro-rata assessment based on losses paid during preceding year by carriers and self-insureds
MICHIGAN	Second injury involving loss of member or eye, which added to pre-existing loss of member results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent total disability. Benefits for employee with more than one job but for whom injury occurred on job which represented less than 80% AWW. For workers certified "vocationally handicapped," fund pays benefits after 52 weeks	Assessments on carriers and self-insurers proportionate to 175% of disbursements from fund to annual compensation benefits paid	Fund is credited with any balance in excess of $200,000.*
MINNESOTA	Second injury that results in substantially greater disability than would have resulted from second injury alone	Disability caused by second injury	Employer reimbursed for disability after 52 weeks, medical after $2,000. If second injury results in permanent partial disability, fund pays wage replacement benefits beyond deductible	$25,000 in no-dependency death cases, 31% of compensation for current indemnity payments, which finances all fund obligations; assessment based on various factors for injuries occurring after 1/1/84; certain penalties	Commissioner determines assessment base and rate dependent on fund's financial position and increasing up to 12% annually
MISSISSIPPI	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member or eye results in permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and permanent disability	$500 in no-dependency death cases; $300 in dependency cases. Commission may transfer up to $200,000 from Administrative Expense Fund	Payments suspended when fund reaches $350,000 and resumed when fund reduced to $150,000
MISSOURI	Second injury resulting in permanent partial disability which compounds either a greater pemanent partial or a permanent total disability	Disability caused by second injury	Difference between compensation payable for second injury and compounded disability	Surcharge on all workers' compensation premiums not to exceed 3% of premiums, paid by all insureds and self-insurers	Surcharge suspended when fund reaches $24,000,000 and resumed when fund is reduced to $12,000,000
MONTANA	Second injury which combined with prior permanent physical impairment results in death or disability	Insurer liable for payment of benefits for first 104 weeks	Employer reimbursed after first 104 weeks	$1000 paid by employers, insurers, or accident fund in every death case. Carriers and self-insurers assessed 5% of losses paid in preceding year	Department must certify worker as vocationally handicapped
NEBRASKA	Second injury which combined with pre-existing disability causes substantially greater disability. Pre-existing disability must support 25% earnings loss or 90 weeks of benefits.[1]	Disability caused by second injury	Difference between compensation payable for second injury and the total resulting disability	1% premium tax on carriers or self-insurers ($25 minimum) payable to Workers' Compensation Court	Payments suspended when fund reaches $400,000. Assessment (1%) when fund reduced to $200,000
NEVADA	Second injury which combined with any previous permanent physical disability causes substantially greater disability.*		Compensation allocated between insurer and fund	Subsequent Injury Fund in state treasury.**	Compensable claim considered "excess loss" in calculation of employers' experience rating. Employer must prove knowledge of prior inpairment.
NEW HAMPSHIRE	Second injury which combined with any pre-existing disability results in greater disability.[1]	Benefits for first 104 weeks	Employer reimbursed after first 104 weeks, and for 50% of anything over $10,000 during first 104 weeks	Assessment against carriers and self-insurers proportional to total benefits paid by all carriers	Employer who undertakes job modifications to retain injured worker is reimbursed 50% of the cost of modification from the fund, not to exceed $5,000 per employer/year
NEW JERSEY	Second injury resulting in permanent partial disability which added to pre-existing partial disability, compensable or not, results in permanent total disability	Disability caused by compensable injury	Difference between compensation payable for second injury and permanent total disability	Annual surcharge on policyholders and self-insured employers of pro-rata percentage of 150% of payments estimated to be paid from fund during forthcoming year. Annual surcharge paid quarterly	When fund balance exceeds $1,250,000, up to $50,000 per year may be applied toward administration costs of Division.

[1] In death cases it must be established that either the injury or the death would not have occurred except for such pre-existing permanent physical impairment. "Permanent physical impairment" means any permanent condition due to previous accident, disease, or congenital condition which is likely to be a hindrance to employment.

Kan. *Employer may file description of prior impairment to create presumption of prior knowledge.

La. *"Permanent partial disability" means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent partial disability if employer had prior knowledge.

Mich. *Compensation to certified vocationally handicapped persons payable from fund after 52 weeks.

Minn. *If injury, disability or death would not have occurred but for the preexisting impairment, the fund pays all benefits (except for a cardiac condition, impairment of at least 10% of the whole man, or as prescribed by rule).

Nev. *Pre-existing disability must support a rating of 12% or more of the whole man based on A.M.A. guides, which is likely to be a hindrance to employment.
**Fund is composed of assessments, penalties, bonds, securities, and all other property collected by administrator, Division of Industrial Insurance Regulation.

CHART XIII ☐ SECOND-INJURY FUNDS ☐ January 1, 1992 (continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
NEW MEXICO	Second injury which added to pre-existing disability results in permanent disability greater than from second injury alone; or, second injury resulting in death.	Liability apportioned by Workers' Compensation Administration determination.	Liability apportioned by Workers' Compensation Administration determination.	$1,000 in no-dependency death cases. Employer or insurer pays quarterly assessment up to 3% of compensation paid during quarter, exclusive of attorney's fees.	Employers and insurers have 2 year statute of limitations, from date of notice or knowledge of claim, for claims against the fund.
NEW YORK	Second injury where employee had a pre-existing physical impairment or where employee incurred a subsequent compensable injury or occupational disease at work.	Benefits for first 104 weeks.	Employer reimbursed after first 104 weeks. Fund also pays any additional benefits due to an employee who was working in concurrent employments when injured.	Assessment against carriers and self-insurers proportional to compensation payments made by all carriers.	Employer or insurer pays awards and medical expenses, but is reimbursed from special disability fund for benefits after first 104 weeks.
NORTH CAROLINA	Second injury involving loss of member or eye which added to pre-existing injury results in permanent total disability, provided the original and increased disability were each 20% of the entire member.*	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	Assessments against employer or insurer for each permanent partial disability, up to $50 for a minor member and $200 for a major member (currently $25 and $100, respectively).	
NORTH DAKOTA	Second injury or aggravation of any previous injury or condition which results in further disability.	Disability caused by second injury.	Percent attributable to aggravation or second injury.	Benefit Fund.	Compensation in excess of amount chargeable to second injury is charged to general fund. Prior registration into the fund is not required or accepted.
OHIO	Second injury which aggravates pre-existing disease or condition (25 types of handicaps as listed by statute), resulting in death, temporary or permanent total disability, and disability compensable under a special schedule.*	Disability attributable to injury or occupational disease sustained in employment.	Amount of disability or proportion of cost of death award determined by Industrial Commission to be attributable to employee's pre-existing disability.	Reserve set aside out of statutory surplus funds.	In the case of a self-insuring employer, excess payments are made from the surplus fund, though self-insuring employers may opt not to participate in the handicap reimbursement fund. By rule of Commission in the case of State Fund employer, compensation in excess of amount chargeable to second injury is charged to surplus fund.
OKLAHOMA	Second injury to "physically impaired person"* which causes injury to the body as a whole, or to a major member combined with disability to body as a whole. Must exceed 17% to body as a whole.	Disability caused by latest injury.	Difference between compensation payable for prior injuries and compensation for combined injuries.	3% of permanent disability losses by carriers, state fund, and self-insurers, and 3% of awards for permanent disability by injured worker.	Permanent total awards are payable by the fund for five years or until 65, whichever is longer.
OREGON	Any new compensable injury sustained by an injured worker within 3 years from the hire date as a Preferred Worker through the reemploym[illegible]ssistance Reserve.	None	Employers hiring a Preferred Worker are exempt from paying premiums & premium assessments on the worker for 3 years from hire date. Reserve reimburses all claim costs incurred by the worker for any new compensable injury within the 3-year period. Other return-to-work incentives include worksite modification up to $25,000, wage subsidy of 50% up to 6 months, and necessary purchases for obtained employment.	Worker pays 4.25 cents per day and employer pays 2.25 cents per day into Reserve.	Reimbursement from Reserve subject to funds available. Decisions regarding eligibility and extent of assistance not reviewable. Settlement of claim requires Department approval if reimbursement involved.
PENNSYLVANIA	Second injury involving loss or loss of use which added to pre-existing loss or loss of use of member results in permanent total disability.*	Scheduled benefits as a result of second injury.	Remaining compensation due for total disability.	Assessment against carriers and self-insurers proportional to compensation payments.	Payments are made directly by the Department.
PUERTO RICO	Second injury which aggravates or augments any former disability.		Job injury not caused by work accident is compensated in addition to second injury. Compensation for prior job injury is deducted from compensation payable for total disability, except where combined injury results in permanent total disability, which is compensated as such.	Insurance premiums.	The difference between expenditures by the Industrial Commission and the Manager of the State Insurance Fund and their maximum budget allotment are placed in the Reserve Fund for catastrophes except for medical expense surpluses; maximum $1 million.
RHODE ISLAND	Second injury which merges with pre-existing work-related disability resulting in greater disability or death.	Benefits for first 26 weeks.*	Employer reimbursed after first 26 weeks.*	2-3/4% tax on gross premiums collected from insurers and comparable tax on self-insurers, plus $750 in no-dependency death cases; also certain penalties.	Employer must prove knowledge of prior injury unless employee failed to disclose. Tax may be reduced when fund reaches $5 million. Any partially incapacitated employee who returns to work for at least 13 weeks at a rate less than his pre-injury AWW, is entitled to a lump sum after 13 weeks, and weekly benefits thereafter to a sum equal to the difference between current and pre-injury AWW.
SOUTH CAROLINA	Second injury which added to any previous permanent physical impairment results in substantially greater disability or death.	Disability caused by second injury for first 78 weeks' compensation and medical care.	Employer reimbursed for all benefits after 78 weeks, plus 50% of medical payments over $3000 during first 78 weeks.	Pro-rata assessments on carriers and self-insurers based on losses paid. In no-dependency deaths, unpaid benefits to fund.	Employer must prove prior knowledge of impairment or that worker was unaware of impairment.* Any claim against the Fund must be filed with the Fund prior to payment of 78 weeks of benefits.
SOUTH DAKOTA	Second injury which combined with any pre-existing disability, results in additional permanent partial or total disability or death.	Disability caused by second injury.	Difference between compensation payable for second injury and compensation for combined injuries.	Carriers and self-insurers assessed 1% of losses paid during preceding year and $500 in no-dependency death cases.	Payments suspended at $200,000, and resumed at $100,000. Any claim against the Fund must be filed with the Division of Insurance within 2 years of the subsequent injury.
TENNESSEE	Second injury involving loss or loss of use of member or eye, which added to pre-existing loss or loss of use of member results in permanent total disability.*	Disability caused by second injury.	Benefits in excess of 100% total disability to body as a whole.	50% of revenues from the 4% premium tax on insurers and self-insurers.	
TEXAS	Subsequent compensable injury combined with the effects of a previous injury entitles employee to life- time income benefits.	Benefits which would accrue if only the subsequent and not the previous injury had occurred.	Balance of lifetime income benefits due.	Maximum $150,424* payable into fund in each no-dependency death case.	The Workers' Compensation Commission has right of subrogation to recover claims and attorney's fees paid from Second Injury Funds.
UTAH	Second injury which combined with a previous permanent incapacity due to accident, disease, or congenital condition results in permanent total disability.	Employer pays first 6 years of PT unless there is a 10% pre-existing condition, then employer pays first $20,000 of medical benefits and first 3 years of PT.	50% of medical expenses in excess of $20,000 and permanent total disability compensation after initial 3 year period.	Up to 7.25% tax on insurers and self-insurers.	If employee is permanently and totally disabled, employer or insurance carrier credited for all prior payments of temporary total, temporary partial and permanent parital disability compensation.

N.C. *Epilepsy is considered a prior permanent disability.

Ohio *Does not apply to compensation for temporary partial or percentage of permanent partial disability.

Okla. *"Physically impaired person" is one who, by accident, disease, birth, military action, or any other cause, has suffered the loss of sight of one eye, the loss by amputation of the whole or a part of, or loss of use of, a major member of his body.

Pa. *Benefits under the Subsequent Injury provision are only payable with respect to subsequent loss or loss of use of one hand, one arm, one foot, one leg or one eye.

R.I. *For claims filed after 9/1/90. Employer reimbursed after first 52 weeks for injuries between 5/18/85 and 8/31/90; and before 5/18/85, after 104 weeks.

S.C. *"Permanent physical impairment" means any permanent condition due to injury, disease, or congenital causes which is likely to be a hindrance to employment. Certain scheduled conditions are presumed to be permanent physical impairment if employer had prior knowledge.

Tenn. *Also covers death or disablement resulting from injuries of an epileptic seizure occurring on or after 7/1/85.

Texas *360 times maximum weekly benefit.

CHART XIII☐ SECOND-INJURY FUNDS☐ January 1, 1992(continued)

JURISDICTION	INJURIES COVERED	PAYABLE BY EMPLOYER	PAYABLE BY FUND	SOURCE OF FUND	SPECIAL PROVISIONS
VERMONT	Second injury involving loss of use of member or eye which added to previous disability results in permanent total disability.	Disability caused by second injury.	Difference between compensation payable for second injury and permanent total disability.	$500 in no-dependency death cases.	Payments suspended until sufficient funds become available.
VIRGIN ISLANDS	Second injury which combined with prior impairment results in death or compensable disability greater than from second injury alone.	None. Employer's experience rating affected by disability payments after 104 weeks.	All benefits	Premiums paid by employers by classification and experience, plus fines, penalties, and interest.	Employer must have prior knowledge of disability.
VIRGINIA	Second injury involving 20% loss or loss of use of member or eye which added to pre-existing disability of 20% or more results in total or partial disability.	Disability caused by second injury.	Employer reimbursed for compensation after all other compensation has expired plus up to $7,500 each for medical and vocational rehabilitation expenses.	1/4% premium tax on carriers and self-insurers.	Payments suspended at $250,000, and resumed at $125,000.
WASHINGTON	Second injury or disease which added to pre-existing injury or disease results in permanent total disability or death.	Disability caused by second injury.	Difference between charge assessed against employer at time of second injury and total pension reserve.	Transfer of not more than cost from accident fund to second injury account. Self-insurers pay proportional to claims against self-insurers.	Preferred workers* have all benefits for claims arising within 3 years of new employment paid Second Injury Fund.
WEST VIRGINIA	Second injury which combined with a definitely ascertainable physical impairment caused by prior injury results in permanent total disability.	Disability caused by second injury.	Remainder of the compensation that would be due for permanent total disability.	Self-insureds in deep shaft mining pay 22% of the manual rate; all other self-insureds pay 17%.	Self-insured employer who has elected not to pay into the fund liable for full compensation of permanent total disability from combined effect of a previous injury and a second injury.
WISCONSIN	Second injury with permanent disability for 200 weeks or more with a pre-existing disability of an equal degree or greater.	Disability caused by second injury.	Disability caused by lesser of 2 injuries. If the combined disabilities result in permanent total disability, fund pays the difference between compensation payable for second injury and permanent total disability.	$5,000 in death cases, $7,000 for loss of a hand, arm, foot, leg, or eye. 100% of death benefit in no-dependency death cases.	
WYOMING	Not applicable				
LONGSHORE ACT	Second injury resulting in permanent partial disability which added to pre-existing injury results in permanent total disability.	Disability caused by second injury for first 104 weeks.	Balance of compensation after 104 weeks.	$5,000 in no-dependency death cases or unpaid awards. Pro-rata assessments based on losses paid. Fines and penalties.	
ALBERTA	No specific statutory provision*				
BRITISH COLUMBIA	All enhanced disabilities by reason of a pre-existing disease, condition or disability.	No	Yes	Accident Fund	
MANITOBA	Cost relief fund includes pre-existing conditions, occupational diseases with exposure outside Manitoba, loss of earnings from an employment other than worker's employer and some increase in benefits due to recurrences or age or apprenticeship of worker.	No	Yes	Accident Fund	
NEW BRUNSWICK	Second injury coupled with other prior injuries or disabilities.	No	Yes	Reserve Fund	
NEWFOUNDLAND	All enhanced disabilities because of similar or other disabilities.	No	Difference between compensation payable for second injury and final result of disablement.	Reserve Fund	
NOVA SCOTIA	Injury that aggravates, activates, or accelerates a disease or disability existing prior to the injury; or injury that results in injury or disease caused partly by employment and partly by other causes.	No	Disability attributable to second injury.	Accident Fund	Board has authority to establish second injury fund.
NORTHWEST TERRITORIES	All disabilities due to pre-existing disease, condition or disability.	No	Difference between second injury and total cost.	Accident Fund	
ONTARIO	All enhanced disabilities due to pre-existing diseases, condition, or disability.	No	Difference between second injury and total cost.	Accident Fund	Not restricted to permanent disability cases.
PRINCE EDWARD ISLAND	No specific statutory provision				
QUEBEC	In the case of a worker already handicapped when his employment injury appears, the Commission may impute all or part of the cost of the benefits to the employers of all the units.			Commission has authority to establish second injury fund.	
SASKATCHEWAN	All enhanced disabilities due to preexisting disease, condition, or disability.	No	Difference between second injury and total cost.	Injury Fund	
YUKON TERRITORY	All enhanced disabilities because of similar or other disabilities.	No	Yes	Compensation Reserve Fund for enhanced disabilities. Assessment on employers' annual payroll.	
CANADIAN MERCHANT SEAMEN'S ACT	No specific statutory provision				

Wash. *Defined as workers who must change jobs due to effect of an industrial injury or illness.

Alta. *Board has established reserve funds to cover enhanced disability or aggravation of previous condition.

CHART XIV

ADMINISTRATION EXPENSES, WORKERS' COMPENSATION DEPARTMENTS

January 1, 1992

JURISDICTION	SYSTEM PROVIDED FOR	FUND OR APPROPRIATION	ASSESSMENT PROVISIONS		OTHER INCOME
			AGAINST WHOM	AMOUNT	
ALABAMA	Private insurance	General appropriation; court administration			
ALASKA	Private insurance	General appropriation			
AMERICAN SAMOA	Private insurance	Special fund			
ARIZONA	Competitive fund	Administrative fund	Carriers, self-insurers, and state fund	3% of premiums, minimum $250	
ARKANSAS	Private insurance	Special fund	Carriers and self-insurers	3% of manual premiums maximum.*	$500 first year for carriers, $100 first year for self-insurance
CALIFORNIA	Competitive fund	General appropriation			Fines and penalties.
COLORADO	Competitive fund	Special fund	Carriers and self-insurers	.804 of 1% of premiums or payroll.	
CONNECTICUT	Private insurance	General appropriation	Carriers and self-insurers	Prorata assessment necessary to cover expenses.	
DISTRICT OF COLUMBIA	Private insurace*	Special fund*	Carriers and self-insurers	Prorated on basis of total compensation paid.	Fines and penalties, and $5,000 in no-dependency death cases.
DELAWARE	Private insurance	General appropriation	Carriers and self-insurers	Prorated	
FLORIDA	Private insurance	Special fund	Carriers and self-insurers	Maximum 4% of net earned premiums.	Employer assessed up to $25,000 for not furnishing safety devices.
GEORGIA	Private insurance	General appropriation	Carriers and self-insurers	Prorated	
GUAM	Private insurance	General appropriation			
HAWAII	Private insurance	General appropriation			
IDAHO	Competitive fund	Industrial Administration Fund	Carriers, self-insurers, and state fund	1.3% of premiums.	Fees for records.
ILLINOIS	Private insurace	General appropriation			
INDIANA	Private insurance	General appropriation			
IOWA	Private insurance	General appropriation			
KANSAS	Private insurance	Special fund		(*)	
KENTUCKY	Private insurance	Maintenance Fund	Carriers and self-insurers	16.9% on all policies and an additional tax of 47% on premiums for policies issued to coal companies.	
LOUISIANA	Private insurance	Administrative Fund*	Carriers and self-insurers	Prorated on basis of total compensation paid.	20% monthly penalty for unpaid assessment. Fee of $30 charged to any party against which an award is made.
MAINE	Private insurance	General appropriation	Carriers		
MARYLAND	Competitive fund	General appropriation	Carriers, self-insurers, and state fund	Prorated	Commission may assess up to $500 annually against self-insurers and self-insured groups for actuarial studies and audits.
MASSACHUSETTS	Private insurance	Special Fund		Prorated assessment necessary to cover expenses.	
MICHIGAN	Competitive fund	General appropriation		(*)	
MINNESOTA	Competitive fund	Special compensation fund.	Carriers and self-insurers		
MISSISSIPPI	Private insurance	Special fund	Carriers and self-insurers	Assessment of $250 against each carrier and self-insurer, then remaining expenses prorated.	Civil penalties
MISSOURI	Private insurance	General appropriation	Carriers and self-insurers	2% of premiums.	Fees for records, etc.
MONTANA	Competitive fund	Workers' Compensation Administration Fund; assessments, appropriations and fees	Carriers, self-insurers, and state fund	Prorated on prior year's costs, $200 minimum.	Graduated inspection fee, fees for records, etc., and fines.
NEBRASKA	Private insurance	General appropriation, Self Insurance Fund, Special Funds	Carriers and self-insurers	1% for foreign and domestic insurers; 2% for self-insured.*	Fees for copies and publications, etc.
NEVADA	Exclusive fund and self-insurance	State Insurance Fund	Employers and self-insurers	As needed.	
NEW HAMPSHIRE	Private insurance	Administration Fund—appropriation	Carriers and self-insurers	Prorated on basis of total compensation paid; $100 minimum.*	Civil penalties
NEW JERSEY	Private insurance	General appropriation	Carriers	1/4% of premiums.*	Maximum of $50,000 excess from 2nd Injury Fund may be paid over to W. C. administration, when necessary.
NEW MEXICO	Private insurance	Special fund	Employers and Employees	$2.00 collected quarterly assessed against all employers and employees, as defined under the Unemployment Compensation Act.	Civil penalty of up to $5,000 for finding of retaliation by employer against employee filing claim.
NEW YORK	Competitive fund	Assessment	Carriers, self-insurers, and state fund	Total amount prorated on basis of compensation payments.	Fines and penalties.
NORTH CAROLINA	Private insurance	General appropriation	Carriers and self-insurers	On gross premiums at rate in revenue act.*	
NORTH DAKOTA	Exclusive state fund	Appropriation from Workers Compensation Fund	Employers	Budget submitted biennially to legislature.	Investment, fees, penalties and recoveries.

Ark. *May be increased or reduced by Commission up to 3% maximum.

D.C. *Exclusive fund for D.C. government workers, financed from D.C. and/or federal appropriation.

Kan. *System of assessments.

La. *Court administration financed by general appropriation.

Mich. *Annual assessment of 3/4% of compensation levied on insurers and self-insurers of compensation paid to be used for the safety education and training fund.

Neb. *Not specially for workers' compensation administration.

N.H. *Total assessment may not exceed 1½% of total benefits paid by all carriers and self-insurers.

N.J. *To administer insurance provisions.

N.C. *Effective 11/1/90, stock and mutual carriers pay 2% of net written premiums for the period covered by the return. All self-insurers pay a rate determined by the approved experience modifier.

CHART XIV ☐ ADMINISTRATION EXPENSES, WORKERS' COMPENSATION DEPARTMENTS ☐ Jan. 1, 1992 (cont.)

JURISDICTION	SYSTEM PROVIDED FOR	FUND OR APPROPRIATION	ASSESSMENT PROVISIONS		OTHER INCOME
			AGAINST WHOM	AMOUNT	
OHIO	Exclusive fund and self-insurance	State fund	All employers, including self-insurers, counties and taxing districts, and state instrumentalities	0.267%, 0.122%, and 0.146% per $100 of payroll for private State Fund employers; state agencies; and public employer taxing district respectively.*	
OKLAHOMA	Competitive fund	Administrative Fund, State Insurance Fund, and general appropriations	Carriers and self-insurers	1% premium tax, and 2% tax on self-insurers based on compensation paid for permanent disability or death.	Fines and penalties.
OREGON	Competitive fund	Administrative fund	Carriers, self-insurers, and state fund. Currently 4.5%. Additional 0.2% for self-insured employer groups.	Apportioned—percentage of premium needed to pay administration expenses.	Fines, penalties, and interest.
PENNSYLVANIA	Competitive fund	Administration Fund	Carriers, self-insurers, and state fund	Prorated on basis of total compensation paid.	
PUERTO RICO	Exclusive fund	State fund and appropriations	Employer	Maximum 22% of total premium receipts.	
RHODE ISLAND	Private insurance	General appropriation	Carriers and self-insurers	2% of net direct written premiums.*	
SOUTH CAROLINA	Private insurance	General appropriation	Carriers and self-insurers	3-1/2% of premiums for Fiscal Year 1990-1991.*	Fines and fees.
SOUTH DAKOTA	Private insurance	General appropriation			
TENNESSEE	Private insurance	General appropriation; court administration	Carriers and self-insurers	4% of premiums.	
TEXAS	Private insurance	General approoriation	Carriers and self-insurers	.055% of gross workers compensation premiums paid to General Revenue Fund for administration of Commission	Fees for record checks, copies and publications.
UTAH	Competitive fund	General appropriation	Carriers, self insurers and state fund	1/4% of gross premiums.	
VERMONT	Private insurance	Special Fund	Employers and self-insurers	Employers—7/10 of 1% of W.C. premium; self-insurers—1% of W.C. losses.	
VIRGIN ISLANDS	Exclusive fund	Territorial fund	Territorial fund		Fines, penalties, and interest.
VIRGINIA	Private insurance	Special fund	Carriers and self-insurers	Maximum of 2.5% of premiums.	
WASHINGTON	Exclusive fund and self-insurance	State fund	State fund and self-insurers	Determined by Director.	
WEST VIRGINIA	Exclusive fund and self-insurance	State fund	All regular subscribers and self-insureds.	Self-insureds pay 7% of manual rates; remainder allocated to funding from premiums paid by regular subscribers.	
WISCONSIN	Private insurance	General fund	Carriers and self-insurers	Prorata on all indemnity paid on cases first closed in prior year.	
WYOMING	Exclusive fund*	Workers' Compensation Fund	Employers	Expended budget	Interest from investments, penalties, and interest.
F.E.C.A.	Exclusive fund	Appropriation authorized from U.S. Treasury.	Employing Agencies	Cost of compensation and medical expenses.	
LONGSHORE ACT	Private insurance	Appropriation authorized from U.S. Treasury.			
ALBERTA	Exclusive fund	Accident Fund	All employers under the act	Determined by Board.	Penalties for violations.
BRITISH COLUMBIA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board.	Investment income and penalties.
MANITOBA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board.	Such sum out of consolidated fund as Lt. Gov.-in-Council may direct.
NEW BRUNSWICK	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board.	Penalties for violations.
NEWFOUNDLAND	Exclusive fund	Injury Fund	All enumerated employers	Determined by Commission.	Interest and penalties.
NORTHWEST TERRITORIES	Exclusive fund	Accident Fund	All employers	Determined by Board.	Investment income, interest and penalties.
NOVA SCOTIA	Exclusive fund	Accident Fund	All enumerated employers	Determined by Board.	Investment income and penalties.
ONTARIO	Exclusive fund for Schedule I employers; individual liability for Schedule II employers.	Accident Fund for Schedule I employers. Deposit with Board for Schedule II employers.	All employers in Schedule I. Administrative costs only for Schedule II employers.	Determined by Board.	Investment income and penalties.
PRINCE DEWARD ISLAND	Exclusive fund for Part I; individual liability, Part II.	Accident Fund	All enumerated employers	Determined by Board.	
QUEBEC	Exclusive fund; individual liability for employers held personally responsible for the payment of benefits.	Accident Fund & deposit with Commission for employers held personally responsible.	All employers	Determined by Commission.	Investment income, interest and penalties.
SASKATCHEWAN	Exclusive fund	Injury Fund	All employers	Determined by Board.	Penalties for violations.
YUKON TERRITORY	Exclusive fund	Accident Fund	All employers	Determined by Board.	Investment income and penalties.
CANADIAN MERCHANT SEAMEN'S ACT	Private insurance	Cost of administration apportioned among employers	All employers of merchant seamen		

Ohio *Effective 7/1/90, self-insured employers will be assessed on a prorated portion of paid compensation in self-insured claim.

R.I. *Payments lapse on 12/31/92.

S.C. *2-1/2% for FY 1991-1992, and thereafter.

W.Y. *Private insurers allowed to write coverage for non-required industries and occupations.

CHART XV APPEAL PROVISIONS January 1, 1992

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED		BASIS FOR REVIEW[1]	JURY TRIAL
					LAW ONLY	LAW AND FACT		
ALABAMA	Courts	30 days	Supreme Court	Certiorari	Yes		Record	No
ALASKA	Workers' Compensation Board	30 days	Superior Court	Notice of appeal		Yes	Record	No
AMERICAN SAMOA	Workmen's Compensation Commission	30 days	High Court	As in civil actions	Yes		Record	No
ARIZONA	Industrial Commission	30 days	Court of Appeals/Supreme Court	Certiorari		Yes	Record	No
ARKANSAS	Workers' Compensation Commission	30 days No provision	Court of Appeals Supreme Court	As in civil actions, with precedence over all other civil cases As in civil actions	Yes Yes		Record Record	No No
CALIFORNIA	Workers' Compensation Appeals Board	45 days	Supreme Court, or District Court of Appeals	Writ of review	Yes		Record	No
COLORADO	Industrial Claims Appeals Office	20 days No provision	Court of Appeals Supreme Court	Action to modify or vacate Writ of error	Yes Yes		Record Record	No
CONNECTICUT	13 commissioners	20 days	Appellate session of Superior Court* Supreme Court	Notice of appeal**	Yes		Record	No
DELAWARE	Industrial Accident Board	20 days	Superior Court	As prescribed by the court		Yes	Record	No
DISTRICT OF COLUMBIA	Office of Workers' Compensation	15 days 90 days to a year	D.C. Court of Appeals Superior Court	Petition Application or review	Yes	Yes	Record Record	No No
FLORIDA	Department of Labor and Employment Security	20 days	District Court of Appeals, First District	Notice of appeal	Yes		Record	No
GEORGIA	State Board of Workers' Compensation	20 days	Superior Court Court of Appeals	Notice of appeal Discretionary authority	Yes		Record	No
GUAM	Workers' Compensation Commission	30 days	Superior Court	Injunction proceedings	Yes		Record	No
HAWAII	Disability Compensation Division	20 days 30 days	Appellate Board Supreme Court	Notice of appeal*	Yes		Trial de novo Record	No
IDAHO	Industrial Commission	42 days	Supreme Court	Notice of appeal	Yes		Record and transcript of evidence	No
ILLINOIS	Industrial Commission	20 days 30 days	Appellate Court, Industrial Commission Division, Supreme Court*	Proceeding for review As prescribed by the court	Yes	Yes	Record; no additional evidence	No
INDIANA	Workers' Compensation Board	30 days	Court of Appeals	As in civil action*	Yes		Assignment of errors	No
IOWA	Industrial Commission	30 days 20 days	District Court Supreme Court	Petition for judicial review As in civil cases	Yes Yes		Certified transcript of documents and evidence	No
KANSAS	District Court	30 days	District Court* Court of Appeals	Notice of appeal Notice of appeal	Yes	Yes	Transcript of evidence and proceedings	No
KENTUCKY	Workers' Compensation Board	30 days	Workers' Compensation Board Court of Appeals Supreme Court	Notice of Appeal As in civil actions	Yes		Certified record	No
LOUISIANA*	Office of Workers' Compensation	60 days** 30 days	Worker's Compensation Hearing Officer District Court Appellate Court Supreme Court	Petition As in civil actions As in civil actions		Yes Yes Yes	Trial de novo Transcript of proceedings Certified record	No No No
MAINE	Workers' Compensation Commission	20 days	Law Court	As in equity procedure*	Yes		Record	No
MARYLAND	Worker's Compensation Commission	30 days No provision	County Circuit Courts or Baltimore Common Law Courts Court of Special Appeals Court of Appeals	Notice, followed by informal and summary trial As in civil cases	Yes, in occupational disease cases	Yes, except in occupational disease cases	Trial de novo	Yes, on demand
MASSACHUSETTS	Industrial Accidents Board	30 days No provision	Superior Court Supreme Judicial Court	As in civil cases As in civil cases	Yes Yes		Agreed statement of facts and findings and decision	No
MICHIGAN	Workers' Compensation Appeals Board Workers' Compensation Appellate Commission*	30 days 30 days	Court of Appeals Supreme Court	Certiorari, mandamus, or other permissible method	Yes			No
MINNESOTA	Office of Administrative Hearings*	30 days	Workers' Compensation Court of Appeals Supreme Court	Notice of Appeal Certiorari		Yes	Certified record. Oral arguments on issues of law	No
MISSISSIPPI	Workers' Compensation Commission	30 days	Circuit Court Supreme Court	Notice of Appeal As in civil cases	Yes Yes		Record Record	No
MISSOURI	Division of Workers' Compensation*	20 days 30 days	Labor & Industrial Relations Commission Appellate Court		Yes	Yes	Certified record	No
MONTANA	Department of Labor and Industry	(*)	Workers' Compensation Court Supreme Court	Notice of appeal		Yes	Certified record	No
NEBRASKA	Workers' Compensation Court*	30 days	Court of Appeals Supreme Court	Notice of appeal and bill or exceptions (under general laws)	Yes		Certified record	No
NEVADA	Department of Administration Appeals Officer	30 days	District Court	Petition for judicial review	Yes		Record	No
NEW HAMPSHIRE	Department of Labor	30 days	Compensation Appeals Board Supreme Court	Notice of appeal		Yes	Trial de novo	No
NEW JERSEY	Division of Workers' Compensation	No provision	Appellate Division of Superior Court	Notice of appeal		Yes	Trial de novo on the record	No
NEW MEXICO	Court of Appeals	30 days	Court of Appeals	As in civil actions	Yes		Certified record	No

NOTE—Other Canadian jurisdictions do not provide for judicial appeal.

[1] Generally courts may set aside an award on one of the following grounds: (1) that the Commission acted in excess of its powers, (2) that the award was procured by fraud, (3) that the facts found by the Commission did not support the award, and (4) that there was not sufficient competent evidence in the record to warrant the finding.

[2] Board may request opinion on question of law or jurisdiction on its own motion.

[3] Court has power to pass only upon question of law or jurisdiction of the Board.

Conn. *Claimant may appeal commissioner's decision to Compensation Review Division (panel of 3 commissioners), then to appellate session of Superior Court.
**Division may certify question of law on its own motion.

Hawaii *Appellate Board may certify questions of law to Supreme Court.

Ill. *Workers' compensation appeals panel of court may decide case or refer to full court.

Ind. *Board may also certify questions of law on its own motion.

Kan. *If court fails to appeal within 60 days, Director must request decision; if no decision is issued within 30 days after request, Director must advise Supreme Court.

La. *If any compensation under a final, non-appealable judgment is not paid within 30 days, 24% interest will be added to the compensation.
**60 days for devolutive appeal.

Maine *First level of appeal is Appellate Division. Denial of review by Law Court is final. No appeal from decree based on memorandum of agreement. Appeal does not stay payment of compensation. Effective 6/30/91, no appeal is allowed upon questions of fact found by the commissioner except to correct manifest error or injustice.

Mich. *Workers' Compensation Appeals Board has primary responsibility for any appeals filed prior to 3/31/86. It will be abolished as of July 1, 1991. If at that time any cases remain, a 5 member workers' compensation appeal board will be created. Workers' Compensation Appellate Commission has jurisdiction over all other cases.

Minn. *Disputed WCD conference determination is heard de novo at OAH.

Mo. *Administrative Law Judge's award may be appealed to Industrial Commission.

Mont. *Varies depending upon reason for appeal.

Neb. *The Court is constituted the same as the boards and commissions in other states.

CHART XV ☐APPEAL PROVISIONS ☐January 1, 1992 (continued)

JURISDICTION	ADMINISTRATION	TIME FOR APPEAL	TO WHAT COURT	PROCESS AND PROCEDURE	QUESTIONS REVIEWED		BASIS FOR REVIEW[1]	JURY TRIAL
					LAW ONLY	LAW AND FACT		
NEW YORK	Workers' Compensation Board	30 days after decision on review*	Appelate Division, Supreme Court, Third Department	As in civil actions, with precedence over all other civil cases.	Yes	Yes		
		No provision	Court of Appeals	Regular appeal	Yes		Record	No
NORTH CAROLINA	Industrial Commission	30 days	Court of Appeals	As in civil actions*	Yes		Record	No
NORTH DAKOTA	Workers' Compensation Bureau	30 days	District Court	Appeal		Yes	Record	No
		60 days	Supreme Court	Appeal		Yes	Record	
OHIO	Industrial Commission	60 days	Court of Common Pleas	Notice of appeal and petition by claimant or employer		Yes	Trial de novo	Yes, on demand
		No provision	Supreme Court					
OKLAHOMA	Workers' Compensation Court	20 days*	Supreme Court*	Petition	Yes		Certified record and specifications of error	No
OREGON	Workers' Compensation Board	30 days	Court of Appeals	Notice of appeal	Yes		Record	No
			Supreme Court	Notice of appeal				
PENNSYLVANIA	Bureau of Workers' Compensation	20 days	Workmens' Compensation Appeal Board Commonwealth Court	Appeal & Exceptions Notice of appeal	Yes		Certified record	No
		30 days	Supreme Court	As in civil actions	Yes			
PUERTO RICO	Industrial Commission	30 days	Industrial Commission*	Appeal		Yes	Record	
		15 days	Supreme Court	Petition for review	Yes	(**)	Certified record	No
RHODE ISLAND			Workers' Compensation Court					
	Workers' Compensation Court	5 days	Appellate Division of Workers' Compensation Court	Claim of appeal		Yes	Certified documents and testimony	No
		20 days	Supreme Court	Writ of certiorari	Yes			
SOUTH CAROLINA	Workers' Compensation Commission—Judicial Division	30 days*	Court of Common Pleas	As in civil actions	Yes		Record	No
SOUTH DAKOTA	Division of Labor and Management	30 days*	Circuit Court	Notice of appeal		Yes	Certified record	No
		120 days	Supreme Court	As in civil actions				
TENNESSEE	Courts	10 days	Circuit Court	As in civil actions		Yes	Trial de novo	No
		No provision	Supreme Court	Writ of error			Trial de novo	
TEXAS	Workers' Compensation Commission	40 days	Court of county where employee resided at time of injury or death and court of county where employee resided on the date disability began or any county agreed to by the parties for an occupational disease.	Appeal decision		Yes	Limited to issues decided by the Commissioon appeals panel on which judicial review is sought.	Yes
UTAH	Industrial Commission	30 days	Court of Appeals	Petition for review		Yes	Certified record	No
VERMONT	Commissioner of Labor and Industry	30 days	County Court*	As prescribed by Court		Yes	Certified record	Yes, on demand
		After 30 days	Supreme Court	As prescribed by Court	Yes			
VIRGIN ISLANDS	Commissioner of Labor	30 days	Court of competent jurisdiction	As in civil actions	Yes		Record	No
VIRGINIA	Industrial Commission	30 days	Court of Appeals	As in equity		Yes	Certified record	No
WASHINGTON	Board of Industrial Insurance Appeals	60 days	Superior Court	Notice of Appeal		Yes	Trial de novo, but on testimony before the Board	Yes, on demand
		30 days	Further appeal	As in civil actions				
WEST VIRGINIA	Division of Workers' Compensation	30 days*	Supreme Court of Appeals	Petition		Yes	Record of proceedings	No
WISCONSIN	Labor and Industry Review Commission	21 days	Industrial Commission Division, Appellate Court	Action against Commission	Yes		Record	No
			Supreme Court	As from orders				
WYOMING	Hearing Examiners	30 days	District Court	Petition and bill of exceptions		Yes	Record	No
F.E.C.A	Division of Federal Employees' Compensation, O.W.C.P.	90 days to a year	Federal Employees' Compensation Board*	Application for review		Yes	Record	No
LONGSHORE ACT	Division of Longshore and Harbor Workers' Compensation, O.W.C.P.	30 days	Benefits Review Board*	Petition		Yes	Record	No
		60 days	U.S. Court of Appeals	Petition	Yes		Record	No
ALBERTA	Workers' Compensation Board	No limitation	Appeals Commission	In writing		Yes	Record and written or oral testimony	No
BRITISH COLUMBIA	Ministry of Labour For Review Board	90 days	Review Board*	Appeal		Yes	Record and written or oral testimony	No
	Workers' Compensation Board For Appeals Division	30 days	Appeals Division	Appeal or referral		Yes		No
	Medical Review Panel	90 days	Medical Review Panel	Appeal (medical facts only)		Yes	Medical record and examination	No
MANITOBA	Workers' Compensation Board	No limit	Initial adjudicator, review committee, Appeal Commission	Appeal in writing		Yes	Record and written or oral testimony	No
NEW BRUNSWICK	Workers' Compensation Board	10 days	Appeal Division, Supreme Court	Under Judicature Act[2]	Yes[3]		Record	No
NEWFOUNDLAND	Workers' Compensation Commission	90 days	Workers' Compensation Appeal Tribunal	Written request		Yes	De novo	No
NOVA SCOTIA	Workers' Compensation Board	1 year	Workers' Compensation Appeal Board	Appeal		Yes	De novo	No
		30 days	Appeal Division, Supreme Court	Petition to judge for permission*	Yes[3]		Record	No
NORTHWEST TERRITORIES	Workers' Compensation Board	No limitation	Appeals Tribunal	Board of review		Yes	Record and written or oral testimony	No
ONTARIO	Workers' Compensation Board	No limitation	Independent Appeals Tribunal	Request to Appeals Tribunal		Yes	De novo	No
PRINCE EDWARD ISLAND	Workers' Compensation Board	15 days	Supreme Court in banco	Petition to judge for permission	Yes[3]		Record	No

N.Y. *Compensation is paid pending appeal; if reversed, carrier is reimbursed from Administration Fund.

N.C. *Commission may certify questions of law to Court of Appeals. Commission may order payment of portion of award not in dispute.

Okla. *Appeal to Workers' Compensation Court en banc within 10 days may be bypassed in favor of appeal to Supreme Court.

Pa. *Decisions of Referees are subject to appeal to the Workers' Compensation Appeal Board.

P.R. *Also can petition Industrial Commission to reconsider its decision, within 10 days.
**On weight of expert testimony.

S.C. *Notice of appeal must state the grounds for appeal or the alleged errors of law.

S. Dak. *Commission may order payment of portion of award not in dispute.

Vt. *Then to Supreme Court on exception.

W. Va. *May be extended for cause.

F.E.C.A. *There is no court appeal; Board has authority to make final decision on appeals.

Longshore *First level of appeal is to Benefits Review Board within the U.S. Department of Labor. Board may sit in 3-man panels. Panel decision may be reviewed, upon petition, by full Board.

B.C. *Further appeal to Commissioners of the Board within 60 days.

N.S. *Board may request opinion on question of law on its own motion.

CHART XV ☐ APPEAL PROVISIONS ☐ January 1, 1992 (continued)

QUEBEC	C.S.S.T.	30 days	Review Office (tripartite)	Appeal		Yes	Record and written or oral testimony	No
	Minister of Labour	30 days	Medical Arbitration	Appeal (Medical facts only)			Medical record and examination	No
	Minister of Justice	60 days	Board of Appeal (Commission d'appel ès lésions professionnelles)	Notice of appeal		Yes	Record and written or oral testimony	No
SASKATCHEWAN	Workers' Compensation Board	No limitation	Board	In writing		Yes	Record and written or oral testimony	No
YUKON	Workers' Compensation Board	No limitation	Board	Appeal in writing		Yes	Record and written or oral testimony	No

CHART XVI DIRECTORY OF WORKERS' COMPENSATION ADMINISTRATORS January 1, 1992

ALABAMA

Workmen's Compensation Division
Department of Industrial Relations
Industrial Relations Building
Montgomery, Alabama 36131
(205) 242-2868
Mr. Marcus A. Davis, Administrator

ALASKA

Division of Workers' Compensation
Department of Labor
P.O. Box 25512
Juneau, Alaska 99802-5512
(907) 465-2790
Mr. William Walters, Acting Director

Workers' Compensation Board
Same address as Division
Ms. Nancy Yusera, Commissioner of Labor
Mr. Thomas Chandler, Member
Mr. David W. Richards, Member
Mr. Joe J. Thomas II, Member
Mr. Darrell F. Smith, Member
Mr. Donald R. Scott, Member
Mr. John H. Creed, Member
Mr. Stephen M. Thompson, Member
Mr. Richard L. Whitbeck, Member
Ms. Harriet Lawlor, Member
Ms. Joanne Rednall, Member

AMERICAN SAMOA

Workmen's Compensation Commission
Office of the Governor
American Samoa Government
Pago, Pago, American Samoa 96799
Mr. Moaali'itele Tu'ufuli, Commissioner
Mr. Tasi Mauga, Administrator

ARIZONA

Industrial Commission
800 West Washington
P.O. Box 19070
Phoenix, Arizona 85007-2922
(602) 542-4411
Mr. Gordon Marshall, Chairman
Mr. James B. Whitten, Vice Chairman
Ms. Gay Conrad Kruglick, Member
Mr. Antonio Dominguez, Member
Msgr. Edward J. Ryle, Member
Mr. Larry J. Etchechury, Director
Ms. Elaine C. Adrian, Ombudsman

ARKANSAS

Workers' Compensation Commission
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-3930
Mr. James Daniel, Chairman
Ms. Pat West Humphrey, Commissioner
Mr. Allyn C. Tatum, Commissioner

CALIFORNIA

Department of Industrial Relations
Division of Workers' Compensation
395 Oyster Point Blvd.
San Francisco, California 94080
(415) 737-2618
Mr. Walter R. Brophy, Acting Administrative Director

Workers' Compensation Appeals Board
455 Golden Gate Avenue
P.O. Box 6759
San Francisco, California 94101
(415) 557-2250
Mr. Arthur J. Costamagna, Acting Chairman
Mr. Jacob Margosian, Commissioner
Ms. Diana Marshall, Commissioner
Mr. John Oda, Commissioner
Mr. John Sullivan, Commissioner
Mr. Richard Younkin, Secretary and Deputy Commissioner

COLORADO

Workers' Compensation Section
Division of Labor
1120 Lincoln Street
14th Floor
Denver, Colorado 80203
(303) 764-2929
Mr. David D. Mitchem, Director
Ms. K. Sue Gallagher, WC Program Administrator

Industrial Claims Appeals Office
1120 Lincoln Street
Suite 704
Denver, Colorado 80203
(303) 894-2378
Ms. Judith Caro, Member
Mr. William Whitacre, Member
Ms. Dona Halsey, Member
Ms. Barbara Heckler, Member

CONNECTICUT

Workers' Compensation Commission
1890 Dixwell Avenue
Hamden, Connecticut 06514
(203) 789-7783
Mr. John A. Arcudi, Chairman
Mr. Robin W. Waller, Commissioner
Mr. Frank J. Verrilli, Commissioner
Mr. Andrew P. Denuzze, Commissioner
Mr. Gerald Kolinsky, Commissioner
Mr. Darius J. Spain, Commissioner
Mr. Michael Sherman, Commissioner
Mr. A. Thomas White, Jr., Commissioner
Mr. George Waldron, Commissioner
Mr. Angelo dos Santos, Commissioner
Mr. James J. Metro, Commissioner
Mr. Donald Doyle, Commissioner

DELAWARE

Industrial Accident Board
State Office Building, 6th Floor
820 North French Street
Wilmington, Delaware 19801
(302) 577-2885
Mr. Warner T. Foraker, Chairman
Mrs. Joyce L. Wright, Member
Mr. James P. Robinson, III, Member
Mr. Calvin Boggs, Member
Ms. Karen Wright, Member
Mr. Robert S. Powell, Member
Mr. Jesse Hastings, Member
Miss Edwina A. Gagnon, Administrator

DISTRICT OF COLUMBIA

Department of Employment Services
Office of Workers' Compensation
1200 Upshur Street, NW
Washington, D.C. 20011
(202) 576-6265
Mr. Charles Green, Associate Director

FLORIDA

Division of Workers' Compensation
Department of Labor and Employment Security
301 Forrest Building
2728 Centerview Drive
Tallahassee, Florida 32399-0680
(904) 488-2548
Mr. Ann Clayton, Director

GEORGIA

Board of Workers' Compensation
South Tower, Suite 1000
One CNN Center
Atlanta, Georgia 30303-2788
(404) 656-3875
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Mr. Don L. Knowles, Director
Mr. Claude A. Bray, Director
Mr. George M. Taylor, Executive Director

GUAM

Worker's Compensation Commission
Department of Labor
Government of Guam
P.O. Box 9970
Tamuning, Guam 96931-2970
(671) 646-9324, 5, 6
(671) 646-4922
Mr. Edward A. Guerrero, Director of Labor Ex-Officio Commissioner
Mr. Joe A. Rivera, Member
Ms. Judy K. Borja, CPA, Member
Ms. Monessa G. Lujan, Esq., Member
Dr. Sinforoso C. Tolentino, MD, Member
Mr. Danny A. Orlino, Member
Mr. Conrad G. Stinson, Member
Mr. Christian L. Delfin, Employment Program Administrator

HAWAII

Disability Compensation Division
Department of Labor and Industrial Relations
P.O. Box 3769
Honolulu, Hawaii 96812
(808) 548-4131
Mr. Mario R. Ramil, Director
Mr. Orlando K. Watanabe, Disability Administrator

Labor and Industrial Relations Appeals Board
888 Mililani Street
Room 400
Honolulu, Hawaii 96813
(808) 548-6465
Mr. Edward L. Correa, Jr., Chairman
Ms. Carol K. Yamamoto, Member
Mr. Ronald Y. Kondo, Member

IDAHO

Industrial Commission
317 Main Street
Boise, Idaho 83720
(208) 334-6000
Mr. Gerald A. Geddes, Chairman
Mr. Logan Lanham, Commissioner
Mr. Gary Stivers, Executive Director

ILLINOIS

Industrial Commission
100 West Randolph Street
Suite 8-200
Chicago, Illinois 60601
(312) 814-6555
Mr. Robert Malooly, Chairman
Mr. Richard M. Gilgis, Commissioner
Ms. Joann Fratianni, Commissioner
Ms. Jacqueline Kinnaman, Commissioner
Mr. Linzey Jones, Commissioner
Mr. Barry A. Ketter, Commissioner
Mr. John W. Hallock, Jr., Commissioner

INDIANA

Workers' Compensation Board
601 State Office Building
100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-3808
Mr. Rogelio Dominguez, Chairman
Ms. Anne C. Thomas, Member
Mr. Richard J. Noel, Member
Mr. John A. Rader, Member
Ms. Janet S. Bell, Member
Mr. G. Terrance Coriden, Member
Mr. Willie Harris, Member
Mr. Douglas Meagher, Executive Secretary

IOWA

Division of Industrial Services
Department of Employment Services
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Des Moines, Iowa 50319
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Mr. Clair Kramer, Acting Commissioner

KANSAS

Division of Workers' Compensation
Department of Human Resources
600 Merchants Bank Tower
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(913) 296-4000
Mr. William Morrissey, Acting Director

KENTUCKY

Department of Workers' Claims
Perimeter Park West
1270 Louisville Road Building C
Frankfort, Kentucky 40601
(502) 564-5550
Mr. Armand Angelucci, Chairman
Honorable L.T. Grant, Commissioner
Mr. William Miller, Sr., Member
Mr. Larry Greathouse, Member

LOUISIANA

Department of Labor
Office of Workers' Compensation Admin.
P.O. Box 94040
Baton Rouge, Louisiana 70804-9040
(504) 342-7555
Mr. Alvin J. Walsh, Assistant Secretary

MAINE

Workers' Compensation Commission
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State House Station 27
Augusta, Maine 04333
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Mr. Ralph L. Tucker, Chairman
Mr. Peter Michaud, Commissioner
Mr. James E. Smith, Commissioner
Mr. Lendall Smith, Commissioner
Ms. Dawn Pelletier, Commissioner
Mr. James Cox, Commissioner
Mr. Paul Cote, Jr., Commissioner
Mr. Bruce Livingston, Commissioner
Ms. Dawn Lieb, Commissioner
Ms. Gail Ogilvie, Commissioner
Mr. Reginald E. Burleigh, Commissioner
Mr. Ronald Vigue, Commissioner

MARYLAND

Workers' Compensation Commission
6 North Liberty Street
Baltimore, Maryland 21201
(301) 333-4700
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Mr. Sidney W. Albert, Commissioner
Mr. Richard Teitel, Commissioner
Mr. Jacques Leeds, Commissioner
Mr. G. Joseph Sills, Jr., Commissioner
Ms. Carmel J. Snow, Commissioner
Mr. J. Max Millstone, Commissioner
Mr. Robert S. Redding, Commissioner
Mr. L. Douglas Jefferson, Commissioner
Mr. Stephen Rosenbaum, Commissioner

MASSACHUSETTS

Department of Industrial Accidents
600 Washington Street, 7th floor
Boston, Massachusetts 02111
(617) 727-4300
Mr. John R. Lane, Commissioner
Mr. James H. McGuinness, Admin. Judge
Mr. William A. Pickett, Admin. Judge
Mr. William J. Cleary, Admin. Judge
Mr. John H. McKinnon, Admin. Judge
Mr. Richard A. Rogers, Admin. Judge
Mr. Anthony D. Dadalt, Admin. Judge
Ms. Carolynn N. Fischel, Admin. Judge
Mr. Richard J. Heffernan, Admin. Judge
Mr. Leonard C. Jackson, Admin. Judge
Mr. Joseph W. Jennings, III, Admin. Judge
Mr. Joellen D'Esti, Admin. Judge
Mr. James V. Ryan, Admin. Judge
Mr. James St. Amand, Admin. Judge
Ms. Rosalind Brooker, Admin. Judge
Mr. Norris Coleman, Admin. Judge
Ms. Janet Cox, Admin. Judge
Mr. Thomas Evers, Admin. Judge
Mr. F. Bruce Ferin, Admin. Judge
Mr. Louis Gallo, Admin. Judge
Mr. Michael Joyce, Admin. Judge
Mr. Howard Lee, Admin. Judge
Mr. Jacques Leroy, Admin. Judge
Ms. Vivian Male, Admin. Judge
Ms. Helen Moreschi, Admin. Judge
Ms. Dianne Solomon, Admin. Judge
Mr. Fred Taub, Admin. Judge
Mr. Richard Tirrell, Admin. Judge
Mr. William A. McCarthy, Admin. Law Judge
Ms. Patricia A. Costigan, Admin. Law Judge
Ms. Barbara S. Pearson, Admin. Law Judge
Mr. Stephen Silveria, Director of Administration
Mr. David Smith, Director of Dispute Resolution

MICHIGAN

Bureau of Workers' Disability Compensation
Department of Labor
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201 North Washington Square
Lansing, Michigan 48909
(517) 322-1296
Jack F. Wheatley, Director

Workers' Compensation Appellate Commission
Department of Labor
7150 Harris Drive
P.O. Box 30015
Lansing, Michigan 48909
(517) 335-5828
Ms. Nancy J. Day, Chairperson
Mr. Gary Goolsby, Commissioner
Mr. David A. Neff, Commissioner
Ms. Sharon L. Smith, Commissioner
Mr. Jurgen Skoppek, Commissioner
Ms. Molly Ann Beitner, Commissioner
Mr. J. Edward Wyszinski, Jr., Commissioner

MINNESOTA

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Department of Labor and Industry
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Mr. John B. Lennes, Jr, Commissioner
Mr. Leo Eide, Assistant Commissioner

Workers' Compensation Court of Appeals
775 Landmark Towers
345 St. Peter Street
St. Paul, Minnesota 55102
(612) 296-6526
Hon. Paul V. Rieke, Chief Judge
Hon. Manuel J. Cervantes, Administrator Judge
Hon. Edward Toussaint, Judge

MISSISSIPPI

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P.O. Box 5300
Jackson, Mississippi 39296-5300
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Ms. Beverly W. Hogan, Commissioner
Mr. Ben Riddick, Commissioner
Mr. Harold A. Cross, Executive Director
Mrs. Brenda H. Goolsby, Commission Secretary

MISSOURI

Division of Workers' Compensation
Department of Labor and Industrial Relations
P.O. Box 58
3315 West Truman Blvd.
Jefferson City, Missouri 65102
(314) 751-4231
Mr. Richard R. Rousselot, Director

Labor and Industrial Relations Commission
3315 West Truman Blvd.
P.O. Box 599
Jefferson City, Missouri 65102
(314) 751-2461
Ms. Elizabeth Healey, Chairman
Mr. Philip Barry, Member
Mr. Lester Watkins, Member

CHART XVI ☐DIRECTORY OF WORKERS' COMPENSATION ADMINISTRATORS ☐January 1, 1992 (continued)

MONTANA

State Fund Insurance Company
P.O. Box 4759
Helena, MT 59604-4759
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Mr. Patrick A. Sweeney, President

Workers' Compensation Court
P.O. Box 537
Helena, Montana 59624
(406) 444-7794
Judge Timothy W. Reardon
Mr. Robert Campbell, Hearings Examiner
Ms. Clarice Beck, Hearings Examiner

NEBRASKA

Workers' Compensation Court
State House, 12th Floor
P.O. Box 98908
Lincoln, Nebraska 68509-8908
(402) 471-2568
Hon. Ben Novicoff, Presiding Judge
Hon. Mark A. Buchholz, Judge
Hon. Paul E. LeClair, Judge
Hon. Ted W. Vrana, Judge
Hon. James P. Monen, Judge
Hon. Michael P. Cavel, Judge
Hon. James R. Coe, Judge
Ms. Carol S. Thompson, Administrator

NEVADA

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515 East Musser Street
Carson City, Nevada 89714
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Mr. Donald E. Jayne, General Manager

Department of Industrial Relations
1390 South Curry Street
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(702) 687-3032
Mr. Larry McCracken, Director

NEW HAMPSHIRE

Department of Labor
Division of Workers' Compensation
State Office Park South
95 Pleasant Court
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(603) 271-3171
Mr. Richard M. Flynn, Commissioner
Mr. David M. Wihby, Deputy Commissioner
Ms. Kathryn Barger, Director, WC Program

NEW JERSEY

Division of Workers' Compensation
Department of Labor
Call Number 381
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NEW MEXICO

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Mr. Robert J. Horwitz, Deputy Director for Operations
Mr. Kenneth L. Payne, Deputy Director for Regulations
Hon. Gregory Griego, Workers' Compensation Judge
Hon. John Pope, Workers' Compensation Judge
Hon. Joseph Wiltgen, Workers' Compensation Judge
Hon. MaryAnn Lunderman, Workers' Compensation Judge
Hon. Pete Dinelli, Workers' Compensation Judge

NEW YORK

Workers' Compensation Board
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Mr. Ernest R. Latham, Member
Mr. Walter Shields, Member
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Mr. Thomas A. Dunne, Member

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Mr. Randolph Ward, Commissioner

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Workers' Compensation Fund
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OHIO

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Mr. John R. Hodges, Chairman
Mr. Michael J. Knilans, Secretary
Mr. Joseph M. Coyle, Member
Mr. Donald C. Fanta, Member
Mr. Frederick A. Matthews, Member
Mr. Richard D. Schafstall, Member
Mr. Joseph Tomasi, Member
Mr. Paul J. Witte, Member
Mr. Robert Corbin, Legislative Member
Mr. Ross Boggs, Jr., Legislative Member
Mr. Robert L. Burch, Legislative Member
Mr. Robert C. Cupp, Legislative Member

Industrial Commission
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Mr. Donald M. Colusard, Chairman
Mr. Robert L. McAllister, Vice-Chairman
Mr. James Mayfield, Member
Mr. Hager Fugate, Member
Mr. Richard Geltzer, Member

State Insurance Fund
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OKLAHOMA

Oklahoma Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma 73105
(405) 557-7600
Hon. Noma D. Gurich, Presiding Judge
Hon. Victor R. Seagle, Judge
Hon. Dick Lynn, Judge
Hon. Ben P. Choate, Jr., Judge
Hon. Jerry L. Salyer, Judge
Hon. Ozella M. Willis, Judge
Hon. Louis Buchanan, Judge
Hon. Terry A. Pendell, Judge
Hon. Kimberly E. West, Judge

OREGON

Department of Insurance & Finance
21 Labor and Industries Building
Salem, Oregon 97310
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Mr. Gary K. Weeks, Director

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(503) 378-3308
Ms. Mary Neidig, Acting Chairman
Ms. Gilah Tenenbaum, Member
Ms. Kay Kinsley, Member
Mr. Jim Moller, Member
Mr. Rudolph Westerband, Member
Mr. Tom Gunn, Member
Mr. Dan Kennedy, Administrator

PENNSYLVANIA

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Mr. Carl M. Lorine, Director

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1171 South Cameron Street, Room 305
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(717) 783-7838
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Mr. William J. Atkinson, Commissioner
Mr. Joseph J. McAneny, Commissioner
Mr. George F. Pott, Jr., Commissioner
Mr. C. John Urling, Commissioner
Mr. A. Peter Kanjorski, Commissioner
Mr. Norman R. Haigh, Secretary
Mr. David S. Hawkins, Assistant Secretary

PUERTO RICO

Industrial Commissioner's Office
G.P.O. Box 4466
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(809) 783-2028
Mr. Gilberto M. Chárriez, President
Mr. Julio Pomales Santiago, Commissioner
Mr. Jorge Méndez Nieves, Commissioner
Mr. Ramon Domenech-Maldonado, Commissioner
Mr. Luis Duprey Figueroa, Commissioner

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RHODE ISLAND

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Workers' Compensation Court
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Providence, Rhode Island 02903
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Mr. Robert F. Arrigan, Judge
Mr. William G. Gilroy, Judge
Ms. Constance Messore, Judge
Mr. Andrew E. McConnell, Judge
Mr. Carmine Rao, Judge
Mr. John Rotondi, Judge
Mr. Dennis Revens, Acting Administrator

SOUTH CAROLINA

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Ms. Virginia L. Crocker, Commissioner
Mr. Thomas M. Marchant, III, Commissioner
Mr. William Clyburn, Commissioner
Mr. David W. Huffstetler, Commissioner
Mr. Marvin F. Kittrell, Commissioner
Mr. Michael Grant LeFever, Executive Director

SOUTH DAKOTA

Division of Labor and Management
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TEXAS

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Mr. Joe Hanson, Commissioner
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Ms. Dixie Minson, Commissioner

VERMONT

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VIRGIN ISLANDS

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Workers' Compensation Division
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Christiansted, St. Croix,
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Mr. Charles G. James, Commissioner
Mr. Robert P. Joyner, Commissioner

WASHINGTON

Department of Labor and Industries
General Administration Building, 3rd Floor
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Olympia, Washington 98506
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Mr. Robert L. McCallister, Deputy Director for Industrial Insurance
(206) 753-5173
Ms. Dorette Markham, Deputy Director for Policy and Planning
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Capitol Center Building
Mail Stop FN 21
Olympia, Washington 98504
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Mr. Frank E. Fennerty, Jr., Member
Mr. Phillip T. Bork, Member

WEST VIRGINIA

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Division of Workers' Compensation
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P.O. Box 3151
Charleston, West Virginia 25332
(304) 348-0475
Mr. Andrew Richardson, Commissioner
Mr. John H. Kozak, Executive Secretary

Workers' Compensation Appeal Board
601 Morris Street, Room 303
Charleston, West Virginia 25301
Mr. Richard Thompson, Chairman
Dr. Eli Dragisich, Member
Mr. R. Joseph Zak, Member

WISCONSIN

Workers' Compensation Division
Department of Industry, Labor, and Human Relations
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Madison, Wisconsin 53707
(608) 266-1340
Mr. Greg Frigo, Administrator

Labor and Industry Review Commission
P.O. Box 8126
Madison, Wisconsin 53708
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Mr. Kevin C. Potter, Chairman

WYOMING

Workers' Compensation Division
Department of Employment
122 West 25th Street, 2nd Floor
East Wing, Herschler Building
Cheyenne, Wyoming 82002-0700
(307) 777-7159
1-(800) 932-6336—Underwriting Contributions
1-(800) 228-6194—Claims
Mr. Dennis Guilford, Administrator

Industrial Accident Fund
Same address as Division

UNITED STATES

Department of Labor
Employment Standards Administration
Washington, D.C. 20210
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Mr. Gerard Scannell, Assistant Secretary

Office of Workers' Compensation Programs
(202) 523-7511
Mr. Lawrence W. Rogers Jr., Director

Division of Coal Mine Workers' Compensation
(202) 523-6692
Mr. James DeMarce, Director

Division of Federal Employees' Compensation
(202) 523-7552
Mr. Thomas M. Markey, Director

Division of Longshore and Harbor Workers' Compensation
(202) 523-8572
Mr. Joseph F. Olimpio, Director

Division of State Workers' Compensation Programs
(202) 523-6808
Mr. Glenn A. Whittington, Director

Benefits Review Board
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Vanguard Building
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Mr. Roy B. Smith, Adm. Appeals Judge
Mr. James F. Brown, Adm. Appeals Judge
Mrs. Nancy S. Dolder, Adm. Appeals Judge
Ms. Regina C. McGranery, Adm. Appeals Judge
Mr. David A. Clark, Adm. Appeals Judge
Mr. Eric Feirtag, Adm. Appeals Judge
Mr. Leonard N. Lawrence, Adm. Appeals Judge
Mr. Frederick Neusner, Adm. Appeals Judge

Employees' Compensation Appeals Board
300 Reporters Building
7th & D Streets, S.W., Room 300
Washington, D.C. 20210
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Mr. Michael J. Walsh, Chairman
Mr. George E. Rivers, Member
Mr. David S. Gerson, Member
Mr. Willie T.C. Thomas, Alternate Member
Mr. Michael E. Groom, Alternate Member

ALBERTA

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Mr. J. Douglas Carr, Vice President, Secretary & General Counsel
Mr. W.E. (Bill) McDonald, Vice President, Corporate Resources
Mr. Ian W. Sinclair, Vice President & Chief Operating Officer
Ms. Debbie L. Manz, Vice President, Corporate Development

BRITISH COLUMBIA

Workers' Compensation Board
P.O. Box 5350
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Mr. Jim Dorsey, Chairman of the Board of Governors
Mr. Ken Dye, CEO and President
Mrs. Connie Munro, Chief Appeal Commissioner

MANITOBA

Workers' Compensation Board
333 Maryland Street
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Judge Robert Kopstein, Chairperson
Ms. Margaret Day
Ms. Maria Niekamp
Mr. Bruno Zimmer
Mr. Buddy Brownstone
Mr. Ed Gallos
Mr. Cal Roberts
Mr. Marvin Seale
Mr. Rodney Thorfinnson
Ms. Laverne Cherray

Workers' Compensation Appeals Board
175 Hargrave
Room 311
Winnipeg, Manitoba R3C 3R8
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Mr. William de Bakker, Appeal Chairperson
Mr. Rod Frisken, Commissioner
Ms. Clare Baum, Commissioner

NEW BRUNSWICK

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Ms. Lucie LaVigue, Vice Chair
Dr. Donna Spalding, Vice Chair
Ms. Alana M. Small, Board Secretary
Mr. Brian E. H. Baxter, Executive Director, Administration & Finance
Mr. John P. Doucet, Executive Director, Operations
Ms. M. Dianne Ormandy, Executive Director Workers' Rehabilitation Centre
Mrs. Yvonne Pascon, Member
Mr. Garry Sudul, Member
Mr. Allan Levine, Member

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Mr. Maxwell J. Bursey, Executive Director, Policy and Special Services
Mr. Derek Forsey, Executive Director Corporate Services
Mr. Norman Kennedy, Executive Director Compensation Services
Ms. Penelope Rowe, Chairman, Board of Directors
Dr. Catherine Penney, Vice-Chairman, Board of Directors

NORTHWEST TERRITORIES

Workers' Compensation Board
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Yellowknife, Northwest Territories X1A 2R3
(403) 873-7745
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Mr. Bernard Dohm, General Manager & COO
Ms. Dorothy Chattell, Manager Financial Services
Ms. Margaret Halifax, Manager Claims Service
Mr. Mike Swinarski, Manager Administrative Services
Mr. Neil Pierce, Manager Extended Benefits & Vocational Rehabilitative Services
Mr. Bryan Roberts, Policy and Program Analyst

NOVA SCOTIA

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Mr. R.J. Allen, Chairman & General Manager
Mr. James Vaughan, Commissioner

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P.O. Box 3311
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Mr. H. Maxwell Pierce, Member
Mr. Donald Hutchinson, Member
Mr. Berkley Evans, Member
Mrs. Shirley MacNeill, Member
Mr. John J. O'Brien, Executive Officer

ONTARIO

Workers' Compensation Board
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Mr. Odoardo Di Santo, Chairman
Mr. Brian King, Vice-Chairman of Administration
Mr. Joseph Duffy, Member
Mr. Maurice Dutrisac, Member
Mrs. Daphne Fitzgerald, Member
Mr. James V. Goodison, Vice-Chairman (Workers)
Mr. Stephen Mantis, Member
Mr. Homer Seguin, Member
Hon. Robert Stanbury, Vice-Chairman (Employers)
Mr. Carmer Sweica, Member
Mr. Ronald Ellis, Member Ex-officio

PRINCE EDWARD ISLAND

Workers' Compensation Board
60 Belvedere Avenue
P.O. Box 757
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Mr. Arthur MacDonald, Chairman
Mr. Art Howard, Vice Chairman
Mr. C.E. Ready, Executive Director
Mr. Ron McKeigan, Commissioner

QUEBEC

Commission de la Sante et de la Securite du Travail
524 Bourdages Street
Quebec, Quebec G1K 7E2
(418) 643-5850
Mr. Robert Diamant, President and CEO
Mr. Pierre Sheleur, Vice President
Mrs. Lise Langlois, Vice President
Mr. Gilles Taillon, Vice President
Mrs. Lise Thibault, Vice President
Mr. Alain Ménard, Vice President

SASKATCHEWAN

Workers' Compensation Board
1840 Lorne Street
Regina, Saskatchewan S4P 2L8
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Mr. Garnet Garven, Chairman and CEO
Mr. Leonard Larson, Member
Mr. George Bissett, Member
Mr. K.L. Brown, Chief Administrative Officer
Mr. J.A. McLean, Executive Secretary

YUKON

Workers' Compensation Board
401 Strickland Street
Whitehorse, Yukon Y1A 4N8
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Mr. John Wright, Chairperson
Ms. Barbara Moyle, Member
Mr. Heiko Franke, Member
Ms. Patricia Cummings, President

CANADA

Labour Canada
Occupational Safety and Health Branch
Injury Compensation Division
Ottawa, Ontario K1A 0J2
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Ms. Pierrette Boyer, Acting Chief

Merchant Seamen Compensation Board
Labour Canada
Ottawa, Ontario K1A 0J2
Mr. H.P. Hansen, Chairman
Capt. J.G. Daniels, Vice Chairman
Dr. H. Sellers, Member
Mr. Gary Seymour, Secretary

ABBREVIATIONS AND COMPUTATIONS IN CHARTS

ABBREVIATIONS

AWW — Worker's average weekly wage
C.M.S.C.A. — Canadian Merchants Seamen's Compensation Act
F.E.C.A. — Federal Employees' Compensation Act
O.W.C.P. — Office of Workers' Compensation Programs, U.S. Department of Labor
NAWW — National average weekly wage
PP — Permanent partial disability
PT — Permanent total disability
SAMW — Statewide average monthly wage
SAWW — Statewide average weekly wage
TP — Temporary partial disability
TT — Temporary total disability

COMPUTATIONS—MONTHLY TO WEEKLY

All benefits payable other than on a weekly basis have been converted to an equivalent weekly rate. There are several methods of conversion in use, which may cause slight differences in result. This *Analysis* attempts to follow the practice of the jurisdiction wherever possible.

1. A method widely used in Canada is to multiply the monthly benefit by 12, divide by 365, and multiply the result by 7. Example for a monthly benefit of $750:

$$\frac{750 \times 12 \times 7}{365} = \$172.60$$

2. A second method is to multiply the monthly benefit by 12 and divide by 52. Example:

$$\frac{750 \times 12}{52} = \$173.08$$

3. The third method is to divide the monthly benefit by 4.3 or a similar figure because the average month contains 4.33 weeks. Example:

$$\frac{750}{4.3} = \$174.42$$

NOTES:

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WORKERS' COMPENSATION LAWS

About The Supplement

The *1992 Annual Supplement* is a secondary resource designed to complement and update the *1992 Analysis of Workers' Compensation Laws*. The *Supplement* concentrates on three major issues. Its primary function is to keep readers abreast of current legislation affecting the state workers' compensation systems throughout the 50 states. Hence, relevant legislation, enacted and pending, is included in the *Supplement*. In addition, the *Supplement* serves as a mid-year update for the 23 states whose weekly benefit levels change on the first of July annually.

Around the States

ALABAMA

The Alabama Legislature convened on February 4, 1992, and adjourned on May 18, 1992. Senate bill 122 passed and became effective immediately, revising several key provisions in the Alabama workers' compensation law. The following changes were made:

- Employers are entitled to subrogation for medical and vocational benefits expended by the employer on behalf of the employee.
- With regard to elective workers' compensation insurance under contract employment, the state voted to increase the number of employees from three to five employees or less.

- Accidents occurring when an employee is intoxicated or impaired by illegal drugs will not be compensated. Positive drug tests or incidents where the employee refuses to submit to or cooperate with a blood or urine test forfeits any claims for compensation.
- Employers are now required to pay a one-time lump payment of $7,500 to the deceased worker's estate if no acknowledged dependents are found within 60 days of the worker's death.
- The maximum death and burial expenses increased from $1,000 to $3,000.
- Compensation for claims involving personal injury due to cumulative physical stress are prohibited, unless a verified complaint is filed by one of the parties within two years of the date of injury.
- Requires that all expenses of litigation and attorney's fees be reported to the Department of Industrial Relations.
- Creates the "Safe State Program" promoting safety education and planning, and providing any needed technical assistance upon request by employers.
- Time limits on claims after death were extended from one year to two years.
- The definition for "date of injury" was expanded to include provisions for occupational diseases, pneumoconiosis, or radiation.
- Small businesses defined as "an employer who is not experienced-rated for workers' compensation insurance purposes and whose annual workers' compensation premium is less than $5,000."

ALASKA

The Alaska Legislature adjourned on May 12, 1992 and passed only one law, S.B. 208, affecting the state's workers' compensation system. The bill will make the following changes:

- Affects the compensation system for volunteer emergency medical technicians. Defines any person who is injured during the course of providing volunteer emergency medical services, as an employee of the state, so long as the injured is state-certified as an emergency medical technician and is not covered for his/her injuries by an employer's workers' compensation policy or is self-insured.

ARIZONA

The Arizona Legislature's regular session convened on January 13, 1992 and adjourned on July 1, 1992 without passing any critical workers' compensation legislation. The only minor change expanded the definition of "employee" in all laws concerning occupational health and safety to mean all employees covered by workers' compensation.

ARKANSAS

The Arkansas Legislature did not meet in regular session during 1992. However, a serious workers' compensation initiative proposal has been submitted by the Arkansas AFL-CIO, and may be placed on the November 1992 ballot. The initiative would make the following changes in the state's workers' compensation law:

- Creates a new 15 member workers' compensation council consisting of equal numbers of employer representatives, employee representatives, and members of the public.
- Raises the maximum weekly benefit from 70 percent of the SAWW to 100 percent.
- Increases vocational rehabilitation limits from 60 weeks to 104 weeks.
- Proposes that insurance carriers must dispute a medical charge within 30 days, or must pay an amount deemed "reasonable" by the medical provider.
- Proposes that an employee has the right to choose any treating physician.
- Proposes setting a maximum fee of 20 percent on all sums paid in relation to a workers' compensation claim, substantially increasing attorney fees.

CALIFORNIA

The California Legislature adjourned its 1991-1992 regular session and then reconvened in its first 1992 extraordinary session. Changes under consideration in pending legislation include the following:

- Vocational rehabilitation plans would not apply in instances where an employee is injured during the course of employment with an employer covered by the federal *Americans with Disabilities Act of 1990.*

- In relation to psychiatric injury, an employee must demonstrate by clear and convincing evidence that (a) actual events of employment were the primary cause; and, (b) the mental disorder was the direct result of an actual, sudden, extraordinary event occurring in the employee's workplace.
- An employee has choice of physician if employee notifies his or her employer in writing prior to date of injury that he or she has a personal physician.
- Employers would be allowed to participate in new comprehensive disability coverage plans. Workers' compensation injuries would fall under managed health care program.
- Annual levied assessments of $10,000,000 to fund the workers' compensation rehabilitation unit established within the Department of Rehabilitation.
- Insurance commissioner required to approve all workers' compensation insurers or classify them according to risks and minimum premium rates relating to state workers' compensation insurance.
- Pending bill requiring the Industrial Medical Council to draft strict rules and standards governing specified workers' compensation claims and procedures by no later than December 31, 1992.
- Pending bill would rewrite the workers' compensation rating law, authorize 24-hour health insurance, and change labor code provisions involving medical and legal expenses.
- Measure would create a Senate Task Force for the purpose of studying ways and means to control workers' compensation costs.
- Elimination of the current requirement for uniform classification of risks and premium rates, as well as the uniform system of merit issued by the Insurance Commissioner.
- Creation of a "Workers' Compensation Fraud Prevention Act".

Editor's note: *There is an error in Chart VI of the **1992 Analysis of Workers' Compensation Laws**. California's maximum weekly payment is not $366. It remains $336 per week for injuries occurring on or after January 1, 1991.*

COLORADO

The Colorado Legislature convened on January 8, 1992 and adjourned on May 6, 1992. The following changes were made by laws passed concerning the state's workers' compensation system:

- Corporations are allowed to represent themselves in workers' compensation proceedings.
- The Colorado "Workers' Compensation Cost Containment Act," which was scheduled to expire on July 1, 1992, was extended.
- The amount of deductible allowed for employers in workers' compensation insurance policies increased to $5,000 from $1,500.
- Temporary total claims must be paid within 20 days after written notification is submitted. (Time limit was previously 14 days.)
- First $10,000 of total permanent disability payment must be paid in a lump sum form, less the stipulated discount.
- The criteria upon which scheduled benefits are determined changed.
- Workers' compensation reviews must be filed within 40 days from the date of certified mailing from the director.
- Petitions for the review of an order in a workers' compensation case may be filed by mail according to the date of mailing.
- Time limit for an administrative law judge review increased from 10 to 15 working days.

CONNECTICUT

The Connecticut Legislature convened on February 5, 1992 and adjourned on May 6, 1992. It amended the workers' compensation laws in the following ways:

- Reduces from two to one year the time a commissioner needs to have served before being considered for the position of chair.
- Creation of a workers' compensation fraud unit within the Office of the Chief State's Attorney in the Division of Criminal Justice.
- Appropriation of $200,000 from the workers' compensation administrative fund to the workers' compensation commission for the fiscal year ending June 30, 1993.

- Amendments to the laws on death benefits, and interest on unpaid assessments.

DELAWARE

The Delaware Legislature convened on January 14, 1992 and adjourned on June 30, 1992. A special session was held on July 14, 1992. The only legislation passed on workers' compensation was the establishment of a Senate Task Force to study Delaware's workers' compensation law and make recommendations for reform.

DISTRICT OF COLUMBIA

The District of Columbia City Council continues to meet in regular session throughout the year. It is considering a bill on the District's Utilization Review (UR) Regulation.

FLORIDA

The Florida Legislature convened on January 14, 1992 and adjourned on March 13, 1992. Minor legislation concerning workers' compensation can be found in the state's General Insurance Code Revisions, effective October 1, 1992. The new revisions include a requirement that each application for a place in the group self-insurance fund must read:

"This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."

GEORGIA

The Georgia Legislature passed considerable legislation affecting workers' compensation, including the following:

- Insurers must notify employer of settlement agreement terms when workers' compensation claims are settled.
- Allows both employer and employee to make claims against persons other than the employer who are liable for an employee's injury or death.
- Penalty changed for willfully making false or misleading representation in workers' compensation claims from a misdemeanor and fine of not more than $1,000, to an administrative fine of not more than $10,000.
- Workers' Compensation Advisory Council established to study Georgia's workers' compensation system and advise board members.
- Employers are required to display a summary of the rights, benefits, and obligations of the state's Workers' Compensation Act in accessible locations; failure to do so may result in a fine of not more than $1,000.
- Limits an attorney's fee for services to a claimant to not more than 25 percent of the claimant's weekly award benefit.
- Insurance commissioner authorized to issue rules and regulations concerning the criteria which insurers use in determining who they will insure.
- Employer required to provide reasonable and necessary rehabilitation services to an employee who suffers a catastrophic injury.
- Upon submission of a claim for workers' compensation benefits, employees forfeit any privilege of confidentiality with physicians, psychiatrists, or psychologists. An employee must in turn provide an employer with a signed release for medical records information, including any information related to the treatment of a mental condition, or drug or alcohol abuse.
- The waiting period of income and medical benefits changed from seven days to three days. The retroactive period also changed from 21 days to 14 days.
- First payment of income benefits would be due within 14 days after the injury or death is reported to the employer.

HAWAII

The Hawaii Legislature convened on January 15, 1992 and adjourned on April 30, 1992. Two new laws were passed affecting the state's workers' compensation law:

- Revisions were made to the means of determining permanent partial disability payments. The employer must pay the injured employee workers' compensation benefits determined by multiplying the effective maximum weekly benefit rate by the number of weeks specified for the disability.

- A resolution to have the insurance commissioner conduct a study of various insurance plans in other U.S. states with an emphasis on premium adjustments, based on hours worked rather than on total payroll.

IDAHO

The Idaho Legislature convened on January 6, 1992 and adjourned on April 3, 1992. It enacted the following amendments to the workers' compensation law:

- Surety companies are liable if an employer is issued workers' compensation insurance and a premium is collected; and cannot plead the case that the worker was an independent contractor.
- Penalties for failure to provide workers compensation insurance changed. Any employer required to secure the payment of compensation who fails to do so, may be liable for a penalty of either two dollars for each employee for each day, or $25 for each day the failure continues, whichever is greater.

ILLINOIS

The Illinois Legislature continues to meet in regular session. It is considering one bill on workers' compensation that would increase penalties for delayed payment of workers' compensation benefits.

INDIANA

The Indiana Legislature convened on January 6, 1992 and recessed on February 14, 1992. One minor piece of legislation was passed revising the workers' compensation law. It provides:

- Volunteers, working as authorized emergency management workers, members of a hazardous materials response team, and police reserves, may be covered by the state workers' compensation fund.

IOWA

The Iowa Legislature convened on January 13, 1992 and adjourned on May 4, 1992. The following changes were made to the workers' compensation procedures:

- Creation of a workers' compensation fund for state employees.
- Subject to federal law, workers' compensation benefits may be garnished for failure to meet payment of child, spousal, or medical support obligations.
- The procedures for the employee choice of physician set out in law.
- The waiting period after claim is filed increased from 15 to 30 days.
- Study commissioned to compare the amounts paid by employers who purchase workers' compensation insurance and those that self-insure.
- Creation of Second Injury Fund Task Force.
- Increases burial expenses from $1,000 to $5,000.

KANSAS

The Kansas Legislature convened on January 13, 1992 and adjourned ninety days later on May 10, 1992. Only one law was passed amending the state's workers' compensation law. It provides that:

- Each group-funded workers' compensation pool is required to submit a certified independent audited financial statement within 90 days after the end of the pool's fiscal year. Previously, the statement was due on or before March 31 of each year.

KENTUCKY

The Kentucky Legislature convened on January 7, 1992 and adjourned on April 14, 1992. It is not scheduled to meet in 1993, as it only meets in even-numbered years. Several laws were passed affecting the workers' compensation laws on insurance. The changes include:

- Insurers are required to offer deductibles optional to the employer policyholder, ranging from $100 to $10,000 per compensable occurrence.

- Employers participating in deductible programs will be granted an insurance premium reduction by the insurer.
- Retroactive rate increases are prohibited and may be applied only to those policies that are begun or renewed on or after the effective date of rate increase.
- Medical services providers are required to submit a written statement of services provided within 45 days of treatment, and every 45 days for as long as treatment continues.

LOUISIANA

The Louisiana Legislature convened on March 30, 1992 and adjourned on June 22, 1992. Several pieces of legislation passed concerning workers' compensation. The changes include:

- Compensation and medical benefits must be paid within a scheduled time period or heavy penalties will be assessed.
- Annual assessment on insurers to the Louisiana Workers' Compensation Second Injury Fund increased from 2.0 percent to 2.75 percent.
- Insurers required to lower the reserves they carry for approved claims that are backed by the Louisiana Workers' Compensation Second Injury Fund.
- Death benefits provided to surviving legal dependents, but only if death occurs within two years after the last treatment resulting from the accident causing the death.
- Regarding claims disputes, informal conferences with a dispute resolution officer must be held within 15 days from notification of the disputed claim.
- Penalties for fraud revised. Administrator of the Fraud Section of the Office of Workers' Compensation authorized to investigate all fraud allegations.
- Foreign corporations must submit a certificate of compliance from the Office of Workers' Compensation establishing that they have provided for workers' compensation coverage.
- Re-enactment of previous statute allowing district court judges presiding over actions against third parties to approve lump-sum settlements involving workers' compensation obligations.
- Group self-insurance funds must be reviewed by a nationally-licensed independent actuarial firm upon the request of the State Commissioner of Insurance.
- In addition to the State Office of Workers' Compensation, claims may now be filed at district offices where the hearing will be held.

MAINE

The Maine Legislature convened on January 8, 1992 and adjourned on March 31, 1992. The following workers' compensation legislation was passed:

- Blue Ribbon Commission established to examine alternatives to the current workers' compensation system, with the primary objective of reducing costs.
- Clarification that a municipality is responsible for workers' compensation coverage of forest fire wardens and laborers hired for fire-fighting activities, if that municipality is in actual control, bearing on-site supervisory responsibility. If the state is in control and responsible, it also will bear the costs of workers' compensation coverage.
- Letters-of-credit by individual self-insurers must have the approval of the Superintendent of Insurance as proof of financial responsibility as required by the superintendent.
- Rate increases due to take place June 1, 1992 were delayed until November 15, 1992, to enable the Superintendent of Insurance to consider the findings of the Blue Ribbon Commission.
- Pilot project commissioned to develop a 24-hour health care benefits program for Maine state employees.
- Maine's Second Injury Fund was abolished and the employment rehabilitation fund assessment repealed.

MARYLAND

The Maryland Legislature convened on January 8, 1992 and adjourned on April 10, 1992. Only one minor piece of workers' compensation legislation was passed. It provides the following:

Allows jockeys or his/her dependents who are covered employees while performing a service in connection with training to apply for payment from the Maryland Jockey Injury Compensation Fund.

MASSACHUSETTS

The Massachusetts Legislature convened its 1991 regular session on January 2, 1991 and adjourned on December 31, 1991. It continues to meet in regular session for 1992.

- Effective December 24, 1991, H. 6410 amended several chapters of the Massachusetts General Laws on workers' compensation insurance. These amendments were designed to reform the state's workers' compensation system, streamline the state organization and reduce costs.

MICHIGAN

The Michigan Legislature convened its 1991 regular session on January 9, 1991 and adjourned on December 30, 1991. It reconvened on January 8, 1992 and continues to meet this year. Some workers' compensation legislation carried over from 1991 and measures being considered include the following:

- Permits "wrap-up" workers' compensation policies at more construction sites.
- Repeals a section of existing law that reduces workers' compensation benefits for senior citizens.
- Requires the Commissioner of Insurance to be elected by the people to serve four-year terms.

MINNESOTA

The Minnesota Legislature convened on January 6, 1992 and adjourned its 1992 regular session on April 16, 1992. Workers' compensation was a major issue under consideration and senate bill 2107 - an omnibus reform package - was passed and signed into law by the Governor on April 28, 1992. Changes to the law include the following:

- Maximum temporary total disability payments will increase on October 1, 1992 to 105 percent of the SAWW. Minimum payments will decrease to the lesser of either 20 percent of the SAWW or of the actual wage.
- Temporary partial disability benefits will be tied to the temporary total rate.
- Definition of total disability changed to permanent total disability.
- Burial expenses increased from $2,500 to $7,500.
- Annual adjustments to the maximum total benefits limited to four percent per year.
- Limits on attorneys' fees increased.
- Disability ratings for permanent partial to be based on objective medical evidence.
- Small claims court established to handle settlements of under $5,000.
- Insurers compelled to offer employers a deductible policy upon request.
- An assigned risk pool mandated to implement medical cost containment measures.
- Insurance premiums reduced for those employers who follow safety recommendation.
- Employers with 25 or more workers required to establish joint labor-management safety committees.
- Managed care permitted.
- Self-insurer must be financially reviewed by a certified public accountant.
- Self-insurer must demonstrate positive income during three of the last five years and cumulatively over the five years.

MISSISSIPPI

The Mississippi Legislature convened on January 7, 1992 and adjourned on May 9, 1992. A workers' compensation reform bill - H. B. 1091 - was signed into law. Changes to the state's workers' compensation law include:

- All political subdivisions will fall under the provisions of the workers' compensation law from and after October 1, 1993.
- Any employer can elect exemption from the provisions of the workers' compensation law as to its sole proprietor, its partner in a partnership, or to an employee owning 15 percent or more of its stock in a corporation, if the sole proprietor voluntarily agrees in writing.
- Medical referrals by the chosen physician are limited to one within a specialty or subspecialty area. Additional selections must be approved by employer.
- Workers' compensation commission to establish a medical provider fee schedule.

- First installment of compensation must be paid within 14 days after the employer is notified of the injury or death.
- Payment of claims must be made directly from insurance company to employee. The carrier will in turn collect the deductible from the employer as contracted.
- "Mississippi Workers' Compensation Assigned Risk Plan" established, for those unable to secure insurance.
- Insurers required to establish a safety program for the health and benefit of the employees of the insured.

MISSOURI

Missouri's Legislature met in its 1992 regular session and made the following changes to its state's workers' compensation law:

- Stress-induced mental injury rehabilitation prohibited unless injury claim deemed extraordinary and unusual.
- Premium credits allowed if employer exhibits decreases in both injuries and lost work days.
- Toll-free telephone number established for injured workers to call the Division of Workers' Compensation, effective January 1993.
- Determination of the SAWW changed. If an employee is paid by the day, hour, or output, the SAWW is the average over the preceding 13 weeks. Part-time employees are to be paid compensation at the full-time rate. Fringe benefits are excluded.
- Insurers permitted to offer deductibles plans to employers.
- Quality of service in the state's assigned risk pool must be equal to that in the voluntary market.
- Workers' Compensation Determinations Review Board created.
- Time limit for reporting accidents set at five days.
- Limitations placed on claims against the second injury fund.

MONTANA

Montana's Legislature did not meet in regular session during 1992.

NEBRASKA

Nebraska's Legislature met in regular session on January 8, 1992 and adjourned on April 14, 1992. Workers' compensation was specifically excluded from a bill regulating utilization review agents for insurance coverage. The following minor changes were made to the Workers' Compensation Court Procedural Changes:

- The Nebraska Workers' Compensation Court is to review medical fee schedules at least biennially. Attorneys' fees are only to be awarded in cases where the employer refuses payments of benefits.
- The Court no longer accepts rehearings de novo, but does consider reviewing cases, as long as the review is sought within 14 days. (Changed from 30 days).
- Court is authorized to expedite hearings in cases of emergency.

NEVADA

Nevada's Legislature did not meet in regular session during 1992.

NEW HAMPSHIRE

New Hampshire convened its 1992 regular session legislature on January 8, 1992 and adjourned, subject to the call of the chair, on June 17, 1992. Only one piece of legislation was passed affecting the state's workers' compensation law. It provides that:

- Self-insured workers' compensation programs fall under the jurisdiction of the New Hampshire Labor Department, overseen by an assistant director of workers' compensation. This law also allows for any private employer, group, or association of homogenous employers to self-insure provided the group or individual is financially secure to do so.

NEW JERSEY

New Jersey's Legislature continues to meet in regular session during 1992. It is considering numerous bills that would affect the state's workers' compensation law. The following changes are proposed:

- Supplemental workers' compensation benefits would be extended to injuries and death occurring after January 1, 1980, in the form of a cost-of-living adjustment.
- Sole proprietors or partnerships eligible for workers' compensation insurance, where they are not covered by any other insurance policy.
- Employees would choose physicians from employer-provided lists.
- Workers' compensation petitions would be filed and reviewed at a location closest to the municipality where the injury occurred.
- Fees for medical witnesses would be increased.
- Proposed creation of a New Jersey Self-Insurers Guaranty Association to pay claims against the insolvent employers who self-insure for workers' compensation.

NEW MEXICO

The New Mexico Legislature concluded its 1992 regular session passing three pieces of workers' compensation legislation making the following changes:

- Assessment for funding the Workers' Compensation Administration clarified to apply only to those employers and employees covered by the Act.
- Penalties increased for all violations of the "Occupational Health and Safety Act."
- Superintendent of Insurance and the Workers' Compensation Oversight Committee to review the removal of the assessment required on all commercial line insurers and workers' compensation insurers.

NEW YORK

The New York Legislature continues to meet in 1992. Senate bill 7705 became effective on June 16, 1992, and provides for the notice of cancellation of a workers' compensation insurance policy to be served upon any person at any address designated by an employer by delivery or by mail. Several other bills are under consideration, and propose the following:

- Definition of "occupational disease" would be broadened to include a disease resulting from the condition of the place of employment, and would also establish an employee's right for subsequent compensation.
- With regard to chiropractic treatment, a medical fee schedule would be prepared.
- Workers' compensation premium rates would be based on the number of man-hours worked for an employer.
- The payment of a claimant's attorneys' fees would be required if a claim is unsuccessfully contested.

NORTH CAROLINA

The North Carolina Legislature adjourned its two-year session on July 25, 1992. Although considerable legislation was passed concerning health and safety in the workplace, only two bills dealt specifically with workers' compensation. They require the following:

- The "North Carolina Insurance Guaranty Association" is designated to pay the full amount of a covered claim for benefits under workers' compensation insurance coverage to a claimant, notwithstanding any self-insured retention. A covered claim for the return of unearned premium will also be paid, not exceeding $10,000. This bill also requires a person first seek recovery from the association of the residence to prevent duplication of recovery under a workers' compensation claim.
- The North Carolina Department of Labor would receive written notification and information concerning claims filed by employees and from employer reports of injury to an employee. In addition, each employer's experience modification rating would be provided to help set premium rates.

NORTH DAKOTA

The North Dakota Legislature did not meet in regular session during 1992.

OHIO

The Ohio Legislature continues to meet in regular session during 1992. Senate bill 348 would subrogate to the Workers' Compensation Administrator the rights of an injured employee for an injury or occupational disease up to the amount paid or to be paid to the employee in the form of workers' compensation benefits. A self-insured employer would be subrogated to the rights of his or her injured employees. The bill has been referred to the Senate Committee on Commerce and Labor.

OKLAHOMA

The Oklahoma Legislature convened its 1992 regular session on February 3, 1992 and adjourned on May 29, 1992. The following changes were made to the state's workers' compensation law:

- The "Attorney General's Workers' Compensation Fraud Unit Revolving Fund" was established in the state treasury.
- Any employer cited for two offenses of failing to obtain workers' compensation insurance will be subject to cease-and-desist orders from the Commissioner of Labor.
- Governor Walters' Workers' Compensation Proposal was passed and made effective September 1, 1992. This act modifies the procedures and amounts of workers' compensation benefits; increases the applicable tax rates for the guaranty fund; and modifies the procedures for the administration of certain funds.

OREGON

The Oregon Legislature did not meet in regular session during 1992.

PENNSYLVANIA

The Pennsylvania Legislature continues to meet in the second half of its regular session. The Pennsylvania Workers' Compensation Act remains under consideration. On June 1, 1992, it was referred to the House Committee on Rules for concurrence. If passed, this bill would:

- Define the liability of an employer to pay damages for injuries received by an employee in the course of employment; establish an elective schedule of compensation; provide for eligibility and amount of compensation, as well as for self-insurance, disability payments, and other benefits for medical services and burial expenses. It would end double and triple-dipping from workers' compensation and other social benefits, expedite administrative claims, and establish a competitive loss cost rating system.

RHODE ISLAND

The Rhode Island Legislature convened on January 7, 1992 and adjourned on July 14, 1992. The Workers' Compensation Reform Act, H.B. 8934, passed and was signed into law. This comprehensive act includes the following changes in the Rhode Island workers' compensation system:

- Workers' compensation system to be reformed and brought into balance with 1989 rate levels.
- Definition of "employee" excludes any partner or sole proprietor. Definition of "injury" is expanded to require that the injury and any resulting disability be established by medical evidence supported by objective findings.
- Workers' Compensation Court judges allowed to appoint attorneys as arbitrators under the supervision of the appointing judge.
- Medical advisory board created, consisting of 11 members representing specified specialties.
- No indemnity benefits paid for incapacities of less than three days.
- Death benefits for dependents increased from $15 to $20 for each dependent child.
- Maximum weekly benefits for total disability changed from 66 2/3 percent of the SAWW to 75 percent of the spendable wage, exclusive of overtime pay, but including bonuses averaged out over the course of the year.
- Partial compensation payments will not exceed 312 weeks.
- Employer applications for managed care programs accepted.
- Workers' Compensation Court authorized to impose sanctions and penalties necessary to control fraud and abuse.
- Medical reviews required 26 weeks from the date of a compensable injury.
- Offsets created for workers' compensation and retirement benefits.
- Insurers prohibited from charging a rate exceeding the residual market rate in effect since June 22, 1989.

SOUTH CAROLINA

The South Carolina Legislature has convened its 1992 regular session and passed two minor changes to the state's workers' compensation law:

- Insurers are prohibited from acting as servicing centers for any assigned risk pools unless the insurer participates in the voluntary market for workers' compensation in the state.
- Damage to a prosthetic device, eyeglasses, or hearing aid of an injured employee will be covered by workers' compensation insurance.

SOUTH DAKOTA

The South Dakota Legislature convened on January 14, 1992 for its regular session and adjourned on March 17, 1992. The following changes were made to the state's workers' compensation law:

- An increase was made to the assessment on workers' compensation insurers and self-insurers for the subsequent injury fund, from one percent to four percent of all payments made, including the payment of indemnity benefits. Assessments will be made whenever the balance of the fund slips below $200,000.
- Claims must be filed within 90 days after the decision by the department that a compensable injury exists that constitutes a subsequent injury or approval by the department of a settlement.
- Mandate for insurance carriers to reduce their premiums for those employers who do not qualify for experience rating due to their size, but have not incurred liability for compensation within the past three years.

TENNESSEE

The Tennessee Legislature adjourned the second year of its two-year regular session on May 16, 1992, having passed H.B. 2519, a major bill relating to workers' compensation. The bill provides:

- The Commissioner of Labor or the Commissioner of Insurance has specific rulemaking authority to carry out the promulgation of rules and regulations to establish minimum qualifications and training for workers' compensation specialists, develop rules and regulations that will provide a civil penalty for parties to a claim who fail to attend a scheduled conference, and propose rules and regulations regarding appeal procedures for a health care provider who has had payment withheld for over-utilization of medical care or services.
- This new act also creates an advisory committee appointed by the governor to make recommendations on legislation, rules, data reporting, and the workers' compensation system.
- All public and private employers subject to the workers' compensation law must establish a safety committee no later than January 1, 1993.
- System of utilization review to be established by Commissioner.
- Medical director to be appointed by Commissioner to be the executive secretary and non-voting member of the medical committee.
- Establishment of a benefit review conference using workers' compensation specialists.
- Act repealed the 500 week cap on permanent total disability and changes the time limit to the duration of the disability.
- Maximum weekly benefit tied to the state average weekly wage, changing it from 73 percent of the SAWW to 78 percent.
- Attorneys' fees may be permitted after a commutation in the form of a partial lump sum when approved and ordered by the trial judge.
- Workers' compensation insurers must maintain an office in Tennessee.
- Minimum benefit increased from $35 to 15 percent of the SAWW.

TEXAS

The Texas Legislature did not meet in regular session during 1992.

UTAH

The Utah Legislature convened on January 13, 1992 and adjourned its 1992 regular session on February 26, 1992. The following amendments were made to the state's workers' compensation system:

- Beginning in 1993, self-insured employers and workers' compensation carriers are to adopt a managed health care program to provide benefits.

- Workers' compensation insurers must comply with a uniform classification system and uniform experience rating plan filed with the Commissioner.
- Board of Directors of the Workers' Compensation Fund increased from five to seven members.

VERMONT

The Vermont Legislature convened on January 7, 1992 and adjourned on April 25, 1992. Only one bill was passed affecting the state's workers' compensation law. The bill provides:

- Employers are required to notify the employee, who has not successfully returned to work, and the Commissioner, prior to terminating temporary total disability payments.

VIRGINIA

The Virginia Legislature adjourned its 1992 regular session after having passed three pieces of legislation related to workers' compensation. They make the following changes:

- The death and burial expense benefit was increased from $3,000 to $5,000.
- Satisfactory proof of solvency and financial ability must be submitted to the Virginia Workers' Compensation Commission by those employers who would like to be certified as individual self-insurers.
- Expands workers' compensation coverage to those employees who have demonstrated compensable damages resulting from sexual harassment in the workplace.

WASHINGTON

The Washington Legislature convened on January 13, 1992 and adjourned the second half of its 1991-1992 session on March 12, 1992. One piece of workers' compensation legislation was made law.

- Applicants for registration as a contractor must submit an application under oath which includes the employer's social security number, evidence of workers' compensation insurance.

WEST VIRGINIA

The West Virginia Legislature adjourned its 1992 regular session without passing any pertinent workers' compensation legislation.

WISCONSIN

The Wisconsin Legislature met on January 28, 1992 and adjourned on March 27, 1992. Most of the legislation passed was carried over from the 1991 regular session, including the following changes in the workers' compensation law:

- Maximum weekly compensation capped at $450 per week.
- Permanent partial disability payments increased to $144 per week for 1992 and $152 per week in 1993.
- Claims disputes to be resolved by the Department of Industry, Labor, and Human Relations.
- Department may charge an initial application fee to employers seeking self-insurance.
- Records of the Department are subject to public inspection, excepting confidential information concerning employees.
- Supplemental benefits may bring total weekly benefits up to $125.
- No compensation payments made for claims of tinnitus after January 1, 1993.
- Deadline extended to July 1, 1994 for uninsured employers' fund to reach $3 million balance.

WYOMING

The Wyoming Legislature adjourned its 1992 regular session on March 17, 1992. Only one bill relating to workers' compensation passed. The bill makes the following change:

- Specifies occupations eliminated from mandatory extra-hazardous employment; the application of workers' compensation insurance modified and clarified.

INCOME BENEFITS FOR TOTAL DISABILITY
Supplement to Chart VI
July 1992

Jurisdiction	Percent of Wages	Maximum Weekly Payment	Rate	Minimum Weekly Amount	Rate	Time Limit
ALABAMA	66-2/3	$400.00	100% SAWW	$110.00	27.5% SAWW	Disability
COLORADO	66-2/3	414.05	91% SAWW	N/A	--	TT-Disability PT-Life
DELAWARE	66-2/3	327.83	66-2/3% SAWW	109.28	33-1/3% of Maximum	Disability
ILLINOIS	66-2/3	670.13	133-1/3% SAWW	TT-100.90 PT-251.30	PT-50% SAWW	TT-Disability PT-Life
INDIANA	66-2/3	360	--	75.00 (1)	--	500 weeks
IOWA	80% of spendable	755	200% SAWW	0.92*	--	Disability
KANSAS	66-2/3	299	75% SAWW	25.00	--	Disability
MAINE	66-2/3	536	--	25.00	--	
MONTANA		349	100% SAWW	168.00	50% SAWW	
NEBRASKA	66-2/3	265	--	49.00	--	Disability
NEVADA	66-2/3	432.39	100% SAWW	N/A	--	TT-Disability PT-Life
NEW HAMPSHIRE	66-2/3*	676.5	150% SAWW	180.4	40% SAWW	Disability
NEW YORK	66-2/3	400	--	TT-20.00 PT-30.00 (1)	--	Disability
NORTH DAKOTA	66-2/3	334	100% SAWW	201.00 (1)	60% SAWW	Disability
OREGON	66-2/3	444.55	100% SAWW	50.00*	--	Disability
SOUTH DAKOTA	66-2/3	321	100% SAWW	161	50% SAWW	TT-Disability PT-Life
TENNESSEE	66-2/3	318.24	--	35.00	--	TT-Disability
UTAH	66-2/3	401	TT-100% SAWW PT-85% SAWW	45.00 (1)	--	Disability
VERMONT	66-2/3	611	150% SAWW	204	50% SAWW	Disability
VIRGINIA	66-2/3	418	100% SAWW	104.50 (1)	25% SAWW	TT-500 weeks PT-Disability*
WASHINGTON	60 to 70	455.42	100% SAWW	46.25	--	Disability
WEST VIRGINIA	70	405.44	100% SAWW	135.15	33-1/3% SAWW	TT-208 weeks PT-Life
WYOMING	66-2/3	420	TT-100% SAWW PT-66-2/3% SAWW	PT-271.11	66-2/3% SAWW	TT-Disability PT-Life

1 Actual weekly wage, if less.

IA *Based on weekly wage of $1.00.
NH *Any claimant who holds 2 jobs concurrently shall have his wage computed from his two salaries.
ND *Plus $10 per dependent not including spouse.
OR *90% of actual wages, if less.
TN * Effective August 1, 1992.
VA *500 week limit for certain PT cases.
VT *Plus $10 per unmarried dependent under 21.

INCOME BENEFITS FOR SCHEDULED INJURIES -- JULY 1, 1992

Supplement to Chart VII

JURISDICTION	ARM AT SHOULDER	HAND	THUMB	FIRST FINGER	SECOND FINGER	THIRD FINGER	FOURTH FINGER	LEG AT HIP	FOOT	GREAT TOE	OTHER TOES	ONE EYE	HEARING ONE EAR	HEARING BOTH EARS
Alabama	48,840	37,400	13,640	9,460	6,820	4,840	3,520	44,000	30,580	7,040	2,420	27,280	11,660	35,860
Colorado	31,200	15,600	7,500	3,900	2,700	1,650	1,950	31,200	15,600	3,900	1,650	20,850	5,250	20,850
Delaware	81,958	72,123	24,587	16,392	13,113	9,835	6,557	81,958	52,453	13,113	4,917	65,566	24,587	57,370
Georgia	33,750	24,000	9,000	6,000	5,250	4,500	3,750	33,750	20,250	4,500	3,000	22,500	11,250	22,500
Illinois	157,481	127,325	46,909	26,805	23,455	16,753	13,403	134,026	103,870	23,455	8,042	100,520	33,507	134,026
Indiana	30,000	24,000	7,200	4,800	4,200	3,600	2,400	27,000	21,000	7,200	3,600	21,000	9,000	24,000
Iowa	161,750	122,930	38,820	22,645	19,410	16,175	12,940	142,340	97,050	25,880	9,705	90,580	32,350	113,225
Kansas	62,790	44,850	17,940	11,063	8,970	5,980	4,485	59,800	37,375	8,970	2,990	35,880	8,970	32,890
Kentucky		No schedule. PP benefits paid at 66-2/3% of wages up to 425 weeks according to degree of disability.												
Maine		No schedule. Benefits paid according to degree of impairment.												
Missouri	41,500	31,304	10,733	8,050	6,261	6,261	3,935	37,028	27,726	7,155	2,504	25,043	7,871	30,052
Nevada		No schedule. Degree of disability determined in relation to whole man.												
New Hampshire	142,065	127,859	51,414	31,796	25,707	12,854	6,089	94,710	66,297	12,177	2,030	56,826	20,295	83,210
New York	87,360	68,320	21,000	12,880	8,400	7,000	4,200	80,640	57,400	10,640	4,480	44,800	16,800	42,000
North Carolina	93,600	78,000	29,250	17,550	15,600	9,750	7,800	78,000	56,160	13,650	3,900	46,800	27,300	58,500
North Dakota	33,438	26,750	8,694	5,350	4,013	2,675	2,140	25,038	16,050	3,210	1,284	16,050	5,350	21,400
Oregon	58,560	45,750	14,640	7,320	6,710	3,050	1,830	45,750	41,175	5,490	1,220	30,500	18,300	58,560
South Dakota	59,400	44,550	14,850	10,395	8,910	5,940	4,455	47,520	37,125	8,910	2,970	44,550	14,850	44,550
Tennessee	54,600	40,950	16,380	9,555	8,190	5,460	4,095	54,600	34,125	8,190	2,730	27,300	20,475	40,950
Utah	49,929	44,856	17,889	11,214	9,078	4,539	2,136	33,375	23,496	6,942	1,068	32,040	4,448	26,700
Vermont	120,185	97,825	27,950	17,888	13,975	11,180	6,708	120,185	97,825	13,975	5,590	69,875	29,068	120,185
Virginia	80,800	60,600	24,240	14,140	12,120	8,080	6,060	70,700	50,500	12,120	4,040	40,400	20,200	40,400
Washington	54,000	48,600	19,440	12,150	9,720	4,860	2,430	54,000	37,800	11,340	4,140	21,600	7,200	43,200
West Virginia	86,045	71,704	28,682	14,341	10,039	7,170	7,170	86,045	50,193	14,341	5,736	47,325	32,267	78,874
Wyoming	36,806	30,497	11,568	7,361	4,206	4,206	4,206	33,652	25,239	5,258	2,103	25,239	12,619	25,239

Note - Amounts reflect maximum potential entitlement. All states allow compensation for for TTD in addition to allowance for scheduled injury (exceptions noted below). Indiana, Kansas and New York allow compensation for TTD in addition to scheduled injury with certain limitations as to period. In Kentucky, compensation for TTD is deducted from the allowance for the scheduled injury.

PPD Rates

AL - $ 220	IA - $ 674	NC - $ 390	VT - $ 559
CO - $ 150	KS - $ 299	ND - $ 107	VA - $ 404
0R - $ 297.21	KY - $ 264.93	OR - $ 305	WA - fixed at amount reflected in chart
GA - $ 150	MO - $ 178.88	SD - $ 297	WV - $ 358.52
IL - $ 616.68" (7/15/90)	NH - $ 676.50	TN - $ 273	WY - $ 239.35
IN - $ 120	NY - $ 280	UT - $ 267	

FATALITIES INCOME BENEFITS FOR SPOUSE AND CHILDREN
July 1992
Supplement to Chart VIII

JURISDICTION	MAXIMUM WEEKLY PAYMENT SPOUSE PLUS CHILDREN	MAXIMUM WEEKLY PAYMENT SPOUSE ONLY	MINIMUM WEEKLY PAYMENT SPOUSE ONLY	TIME LIMIT	BURIAL ALLOWANCE
ALABAMA	$400.00	$400.00	$110.00	500 weeks	$3,000
COLORADO	414.05	414.05	94.40	(1,3)	2,000
DELAWARE	327.83	327.83	109.28	(1,3)	700*
GEORGIA	225.00	225.00	25.00 (5)	400 weeks (1,2)	5,000
ILLINOIS	670.13*	670.13*	231.83*	20 years (1,3)	4,200
INDIANA	360.00	360.00	75.00 (5)	500 weeks (1,3)	4,000
IOWA	755.00	755.00		(1,3)	5,000
KANSAS	299.00	299.00	25.00	(1,4)	3,200
KENTUCKY	285.00	190.00	70.65	(1,3)	4,000
MAINE	536.00	536.00	25.00	(1,2)	1,000
MISSOURI	431.26	431.26	40.00	(1,3)	2,000
NEVADA	432.39	432.39		(1,3)	2,500
NEW HAMPSHIRE	676.50	676.50	180.40	(1)	3,000
NEW YORK	400.00	400.00	30.00	(1,3)	3,000
NORTH CAROLINA	426.00	426.00	30.00	(1,2)	2,000
NORTH DAKOTA	*	334.00	105.00	(1,3)	2,500
OREGON	572.93	286.49	286.49	(1,3)	3,000
SOUTH DAKOTA	*	321.00	161.00	(1,3)	3,000
TENNESSEE	318.24	318.24	35.00	(1,2)	3,000*
UTAH	401.00	401.00	45.00 (5)	(1)	1,800
VERMONT	611.00	611.00	204.00	(1)	2,000
VIRGINIA	418.00	418.00	104.50	500 weeks (1)	5,000
WASHINGTON	455.42	455.42	46.25	(1,4)	2,000
WEST VIRGINIA	405.44	405.44	135.15	(1,2)	3,500
WYOMING	*	271.11	271.11		1,800

1 To child until 18. Oregon and Wyoming - to age 19 if in high school; If student, Colorado - to age 21, Georgia, Kentucky, Missouri, Nevada, North Dakota, South Dakota, Tennessee - to age 22, Kansas, Maine, New York, Oregon, Virginia, Washington - to age 23, Delaware, Illinois, Iowa, New Hampshire, West Virginia - to age 25. No age limit in Vermont.

2 To spouse for life; compensation ceases upon remarriage (Georgia-to spouse until age 65 or 400 weeks, whichever is greater; Maine-if dependency on new spouse if proven).

3 To spouse for life; years' lump sum upon remarriage (but only if no children in Colorado, Illinois, Indiana and Iowa) or balance of compensation if less (Indiana, North Dakota). In Illinois, lump sum is paid upon remarriage only if there were no children at time of death.

4 To spouse for life; cash lump sum on remarriage - 100 weeks or balance if less; Oregon - 24 times monthly benefit; Washington - $7,500 or 50% of remaining annuity value if less.

5 Actual wage, if less.

DE *Additional burial allowance payable upon Board approval.

IL *Effective 7/15/92.

ND *Maximum is $210 plus $10/dependent child under 18 or 22 if in school.

OR *Maximum monthly benefit for spouse with children is equal to 50% SAWW x 4.35 plus $150/month for first 2 children and $50/month for each child therafter, not to exceed 5 total.

**90% of actual wage, if less.

SD *Maximum is 100% of SAWW. Additional $50/month is payable for each dependent under 18.

TN *Employer must pay $10,000 lump sum to estate if employee had no dependents.

WY *Monthly benefit is fixed at 66-2/3% of the SAMW (SAMW = $1,820.00 - 7/1/92 -9/30/93) plus $100 monthly per child until age 19.

ABBREVIATIONS USED IN THE ANNUAL SUPPLEMENT

TT - Temporary Total Disability
PT - Permanent Total Disability
TP - Temporary Partial Disability
PP - Permanent Partial Disability
SAWW - State Average Weekly Wage
AWW - Average Weekly Wage
SAMW - State Average Monthly Wage

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